



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

OCT 25 2016

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6126 3021

Mr. David Dennis
Member Manager
R&D USA, LLC dba Scribner Natural Products
137 Pebble Street
Scribner, Nebraska 68057

RE: Scribner Natural Products

Notice of Noncompliance

Dear Mr. Dennis:

This letter concerns the compliance of Scribner Natural Products Facility with the requirements of the Clean Water Act (CWA). The U.S. Environmental Protection Agency has determined that there has been non-compliance with Spill Prevention, Control and Countermeasure requirements of the CWA at your facility. Specifically, 40 CFR Part 112 and Section 311(j) of the CWA require the owners and/or operators of facilities that have a storage capacity of greater than 1,320 gallons of oil to develop and implement a SPCC plan designed to address and control discharges of oil from the facility.

On February 4, 2015, representatives of the EPA conducted an inspection of the Scribner Natural Products. The EPA's inspection found the facility had 59,000 gallons of oil storage capacity and was subject to the SPCC program. A copy of the EPA's inspection report was transmitted in March 2015 that documented violations of the SPCC program. Violations included the following:

1. 40 C.F.R. 112.3: Failure to prepare and implement a Spill Prevention, Control, and Countermeasure Plan;
2. 40 C.F.R. 112.7(c): Failure to provide general secondary containment for tanks containing soybean oil;
3. 40 C.F.R. 112.7(e): Failure to keep records of inspections and tests in accordance with a written procedures;
4. 40 C.F.R. 112.7(f)(1): Failure to annually train oil-handling personnel in the operation and maintenance of equipment to prevent discharges, discharge procedure protocols, applicable pollution control laws, rules and regulations, general facility operations, and the contents of the SPCC Plan;
5. 40 C.F.R. 112.7(f)(2): Failure to designate a person who is accountable for discharge prevention;
6. 40 C.F.R. 112.7(f)(3): Failure to schedule and conduct discharge prevention briefings for oil handling personnel at least once a year;
7. 40 C.F.R. 112.7(g): Failure to provide security lighting;



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8. 40 C.F.R. 112.12(c)(2): Failure to construct all bulk storage tank installations so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation;
9. 40 C.F.R. 112.12(c)(6): Failure to test or inspect each aboveground container for integrity on a regular schedule;
10. 40 C.F.R. 112.12(c)(8): Failure to engineer or update each container installation in accordance with good engineering practices to avoid discharges by not providing overfill protection;
11. 40 C.F.R. 112.12(d)(3): Failure to properly design pipe supports to minimize abrasion and corrosion and allow for expansion and contraction; and
12. 40 C.F.R. 112.12(d)(4): Failure regularly inspect all aboveground valves, piping, and appurtenances.

EPA requests that Scribner Natural Products address this non-compliance. Please note that the agency reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the February 4, 2015, inspection or future inspection.

If you have any questions, please contact Mark Aaron, at (913) 551-7205 or aaron.mark@epa.gov.

Sincerely,



Scott Hayes
Chief

Chemical & Oil Release Prevention Branch
Air & Waste Management Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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11201 Renner Boulevard
Lenexa, Kansas 66219

OCT 25 2016

CERTIFIED MAIL

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Article Number: 7014 1200 0000 6126 3045

Mr. Keith A. Francis
City of Branson
616 W. Pacific St.
Branson, Missouri 65616

RE: City of Branson

Notice of Noncompliance

Dear Mr. Francis:

This letter concerns the compliance of City of Branson Compton Fueling Facility with the requirements of the Clean Water Act (CWA). The U.S. Environmental Protection Agency has determined that there has been non-compliance with Spill Prevention, Control and Countermeasure requirements of the CWA at your facility. Specifically, 40 CFR Part 112 and Section 311(j) of the CWA require the owners and/or operators of facilities that have a storage capacity of greater than 1,320 gallons of oil to develop and implement a SPCC plan designed to address and control discharges of oil from the facility.

On August 26, 2014, representatives of the EPA conducted an inspection of the City of Branson Compton Fueling Facility. The EPA's inspection found the facility had 10,740 gallons of oil storage capacity and was subject to the SPCC program. A copy of the EPA's inspection report was transmitted in March 2015 that documented violations of the SPCC program. Violations included the following:

1. 40 C.F.R. 112.3: Failure to prepare and implement a Spill Prevention, Control, and Countermeasure Plan;
2. 40 C.F.R. 112.7(c): Failure to provide secondary containment to a 300 gallon tank located outside on the west side of the warehouse in close proximity to an open storm drain;
3. 40 C.F.R. 112.7(e): Failure to conduct inspections and tests in accordance with a written procedures and to keep signed and dated records of inspections and tests;
4. 40 C.F.R. 112.7(f): Failure to annually train oil-handling personnel in the operation and maintenance of equipment to prevent discharges, discharge procedure protocols, applicable pollution control laws, rules and regulations, general facility operations, and the contents of the SPCC Plan;
5. 40 C.F.R. 112.7(k): Failure to provide general secondary containment for qualified oil-filled operational equipment, e.g. used oil heaters;
6. 40 C.F.R. 112.8(c)(2): Failure to provide sized secondary containment for the 300 gallon tank located outside on the west side of the warehouse;



7. 40 C.F.R. 112.8(c)(6): Failure to test or inspect each aboveground container for integrity on a regular schedule according to applicable industrial standards;
8. 40 C.F.R. 112.8(c)(8)(v): Failure to test liquid level sensing devices to ensure proper operation;
9. 40 C.F.R. 112.8(d)(4): Failure to regularly inspect all aboveground valves, piping, and appurtenances; and
10. 40 C.F.R. 112.20(e): Failure to complete and maintain at the facility the certification form contained in 40 CFR Part 112, Appendix C.

EPA requests that City of Branson Compton Fueling address this non-compliance. Please note that the agency reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the August 26, 2014, inspection or future inspection.

If you have any questions, please contact Mark Aaron, at (913) 551-7205 or aaron.mark@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Hayes', with a large, stylized flourish extending from the end of the signature.

Scott Hayes
Chief

Chemical & Oil Release Prevention Branch
Air & Waste Management Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

OCT 25 2016

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6126 3045

Mr. Lee Parker
Lybarger Oil Company
704 North Maple Street
Garnett, Kansas 66032

RE: Lybarger Oil Company

Notice of Noncompliance

Dear Mr. Parker:

This letter concerns the compliance of Lybarger Oil Company Facility with the requirements of the Clean Water Act (CWA). The U.S. Environmental Protection Agency has determined that there has been non-compliance with Spill Prevention, Control and Countermeasure requirements of the CWA at your facility. Specifically, 40 CFR Part 112 and Section 311(j) of the CWA require the owners and/or operators of facilities that have a storage capacity of greater than 1,320 gallons of oil to develop and implement a SPCC plan designed to address and control discharges of oil from the facility.

On August 4, 2014, representatives of the EPA conducted an inspection of the Lybarger Oil Company. The EPA's inspection found the facility had 195,000 gallons of oil storage capacity and was subject to the SPCC program. A copy of the EPA's inspection report was transmitted in August 2014 that documented violations of the SPCC program. Violations included the following:

1. 40 C.F.R. 112.7(c): Failure to provide secondary containment for bulk storage or transfer activities;
2. 40 C.F.R. 112.7(h)(1): Failure to design a containment system to hold at least the maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded at the facility where loading/unloading rack drainage does not flow into a catchment basin or treatment facility designed to handle discharges, use a quick drainage system for tank car or tank truck loading/unloading racks; and
3. 40 C.F.R. 112.8(c)(2): Failure to construct all bulk storage tank installations so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.

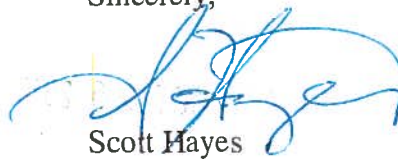
EPA requests that Lybarger Oil Company address this non-compliance. Please note that the agency reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the August 4, 2014, inspection or future inspection.



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If you have any questions, please contact Mark Aaron, at (913) 551-7205 or aaron.mark@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Scott Hayes', is positioned above the printed name.

Scott Hayes

Chief

Chemical & Oil Release Prevention Branch
Air & Waste Management Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

OCT 25 2016

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6126 3106

Mr. Dennis Promes
Owner
Wynot Oil Co.
P.O. Box 103
Wynot, Nebraska 68792

RE: Wynot Oil Co.

Notice of Noncompliance

Dear Mr. Promes:

This letter concerns the compliance of Wynot Oil Co. Facility with the requirements of the Clean Water Act (CWA). The U.S. Environmental Protection Agency has determined that there has been non-compliance with Spill Prevention, Control and Countermeasure requirements of the CWA at your facility. Specifically, 40 CFR Part 112 and Section 311(j) of the CWA require the owners and/or operators of facilities that have a storage capacity of greater than 1,320 gallons of oil to develop and implement a SPCC plan designed to address and control discharges of oil from the facility.

On January 6, 2015, representatives of the EPA conducted an inspection of the Wynot Oil Co. Facility. The EPA's inspection found the facility had 70,710 gallons of oil storage capacity and was subject to the SPCC program. A copy of the EPA's inspection report was transmitted in July 2015 that documented violations of the SPCC program. Violations included the following:

1. 40 C.F.R. 112.3: Failure to implement a Spill Prevention, Control, and Countermeasure Plan;
2. 40 C.F.R. 112.7(c): Failure to provide general secondary containment for bulk storage or transfer activities;
3. 40 C.F.R. 112.7(e): Failure to conduct inspections and tests in accordance with a written procedures and to keep signed and dated records of inspections and tests;
4. 40 C.F.R. 112.8(c)(2): Failure to construct all bulk storage tank installations so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation;
5. 40 C.F.R. 112.8(c)(6): Failure to test or inspect each aboveground container for integrity on a regular schedule according to applicable industrial standards;
6. 40 C.F.R. 112.8(c)(8)(v): Failure to test liquid level sensing devices to ensure proper operation;
7. 40 C.F.R. 112.8(c)(11): Failure to position or locate mobile portable oil storage containers to prevent a discharge; and



8. 40 C.F.R. 112.8(d)(5): Failure to warn vehicles entering the facility to be sure that no vehicle will endanger aboveground piping or other oil transfer operations.

EPA requests that Wynot Oil Co. address this non-compliance. Please note that the agency reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the January 6, 2015, inspection or future inspection.

If you have any questions, please contact Mark Aaron, at (913) 551-7205 or aaron.mark@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Hayes", with a large, sweeping flourish extending to the left.

Scott Hayes

Chief

Chemical & Oil Release Prevention Branch
Air & Waste Management Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

11201 Renner Boulevard

Lenexa, Kansas 66219

DEC 17 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Charles W. Riske, Attorney
215 Chesterfield Business Parkway
Chesterfield, Missouri 63005

Ms. Eve Imo, Registered Agent
13023 Tesson Ferry, Suite 104
St. Louis, Missouri 63128

Re: High Hill Biodiesel, LLC

Dear Mr. Riske and Ms. Imo:

This letter concerns the compliance of High Hill Biodiesel, LLC with the requirements of the Clean Water Act. As stated in the September 2, 2015, Offer to Conduct Pre-filing Negotiations, the U.S. Environmental Protection Agency has determined that there has been significant non-compliance with Spill Prevention, Control and Countermeasure requirements of the CWA at your facility. Specifically, 40 CFR Part 112 and Section 311(j) of the CWA require the owners and/or operators of facilities that have a storage capacity of greater than 1,320 gallons of oil to develop and implement a SPCC plan designed to address and control discharges of oil from the facility.

On February 18, 2015, representatives of the EPA conducted an inspection of the High Hill Biodiesel facility. The EPA's inspection found the facility had 421,500 gallons of oil storage capacity and was subject to the SPCC program. A copy of the EPA's inspection report was previously transmitted in March 2015, and documented significant violations of the SPCC program. Violations of the SPCC program were documented by the agency's inspection, and generally include failure to have a properly prepared and implemented SPCC Plan, as required by 40 CFR Part 112.

The EPA, Region 7 has reviewed and analyzed the financial information submitted on behalf of High Hill Biodiesel. While it is the agency's position that the failure to have a properly prepared and implemented SPCC Plan, as required by 40 CFR Part 112, is in violation of the CWA and, as such, High Hill Biodiesel must take steps to prevent further violation, EPA at this time is not seeking a penalty.

EPA requests that High Hill Biodiesel address non-compliance based on its continued operation. If the facility intends to continue operation, EPA requests all items identified by the inspection be addressed, including the development and implementation of a SPCC Plan consistent with 40 CFR Part 112. If the facility intends to cease operations, EPA recommends permanent closure steps be implemented, pursuant to 40 CFR 112.2:

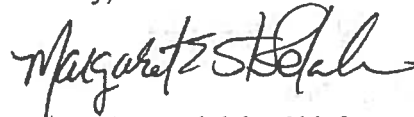
Permanently closed means any container or facility for which:

- (1) All liquid and sludge has been removed from each container and connecting line; and
- (2) All connecting lines and piping have been disconnected from the container and blanked off, all valves (except for ventilation valves) have been closed and locked, and conspicuous signs have been posted on each container stating that it is a permanently closed container and noting the date of closure.

Although no further follow-up action is contemplated by the agency at this time, please note that the agency reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the 2015 inspection or future inspection.

If you have any questions, please contact Mark Aaron, at (913) 551-7205 or aaron.mark@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret E. Stockdale".

Margaret E. Stockdale, Chief
Storage Tanks and Oil Pollution Branch
Air and Waste Management Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

NOV 28 2016

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6126 8323

Mr. Jody Flaro
President
Hartville Feed
PO Box 446, 135 E Rolla
Hartville, Missouri 65667

RE: Request for Information Pursuant to Section 308 of the Clean Water Act

Dear Mr. Flaro:

In August 2015, the U.S. Environmental Protection Agency contacted you by mail regarding alleged violations the EPA had identified during a Spill Prevention, Control and Countermeasures inspection that was conducted at the Hartville Feed, LLC facility located at 135 East Rolla Street, Hartville, Missouri, in April 2015. The inspection was conducted under the authority of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. A copy of the inspection report was sent to you by letter dated January 28, 2015. Based on discussions between EPA staff and you, including review of financial information submitted by you for purposes of determining whether the company would be able to pay the proposed penalty, the EPA decided to postpone action regarding the alleged violations.

At this time, the EPA requests information regarding the facility's current compliance with SPCC requirements, including, but not limited to, your indication that the oil-filled tanks in question had been or would be removed from the site, thus making the facility no longer subject to the requirements of the SPCC program.

Section 308(a) of the CWA authorizes the EPA to require the submission of information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.*, including information to determine whether a person is in compliance with the CWA. Under the authority of Section 308(a) of the CWA, the EPA hereby requires you to provide the information requested in the **ENCLOSURE by the deadlines set forth therein.**

Guidance on How to Respond

Please read the instructions included in the ENCLOSURE carefully before preparing your responses to this Information Request.

Important Information about This Request and the Response

Compliance with this information request is mandatory. Please be advised that failure to respond accurately or submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001.

The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. You may assert a business confidentiality claim with respect to part or all of the information submitted to the EPA under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, and the regulations at 40 CFR Part 2, and in the manner described at 40 CFR § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means, of the procedures set forth in 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to you. Please note that effluent information may not be regarded as confidential.

Information submitted pursuant to this Section 308 information request shall be sent in a manner that allows you to track delivery and addressed as follows:

Mark Aaron
U.S. Environmental Protection Agency Region 7
AWMD/CORP
11201 Renner Blvd.
Lenexa, Kansas 66219

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Mr. Mark Aaron, at phone number (913) 551-7205.

Sincerely,



John J. Smith
Deputy Director
Air & Waste Management Division

Enclosure

ENCLOSURE

INFORMATION REQUEST

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a).

I. Instructions

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within 10 business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within 10 business days of when you find the information is false or misrepresents the truth.
4. If you believe any of the requested information is confidential, you may assert a business confidentiality claim pursuant to the regulations set forth in 40 CFR Part 2, Subpart B. Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 CFR § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
5. Compliance with this information request is mandatory. Please be advised that failure to respond accurately or submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the CWA for seeking, maintaining, or complying with an applicable NPDES permit.
6. Include the Statement of Certification attached at the end of this Enclosure, signed by an appropriate official, with your response.
7. All information should be submitted in a manner that allows you to track delivery, and must be submitted to:

Mark Aaron
U.S. Environmental Protection Agency
AWMD/CORP
11201 Renner Blvd.
Lenexa, Kansas 66219

II. Requested Information

Please submit your response to this Information Request as directed below, to the address provided in Section I.

Note that except for a cover letter or memorandum and the Statement of Certification, 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disk or USB thumb drive in PDF, Word, Excel or other widely available digital format.

A. Preliminary Information

1. In each response required under Section II.B., identify the person to contact regarding your response, including title, address and phone number.
2. Your responses to this Information Request are to be provided by a qualified professional. Please provide the name and credentials of the person(s) providing information in response to this Information Request.

B. Aboveground Oil Storage Tanks

3. State whether the facility owned and/or operated by Hartville Feed, LLC at 135 East Rolla Street, Hartville, Missouri, has a cumulative total aboveground storage capacity for oil of 1,320 gallons or more in containers 55-gallons and greater.
4. If the answer to question 3 is yes, provide the capacity of each storage tank or container and its contents, and provide a current copy of the facility's SPCC Plan.
5. If the facility stores less than 1,320 gallons of oil, per question 3, then provide the date of removal of the 8,000 gallon aboveground storage tank containing animal fat that was present at the facility on the date of the EPA's April 2015 inspection.

STATEMENT OF CERTIFICATION

I certify under the penalty of law, that I have personally examined and am familiar with the information submitted in this document and all attachments, and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

Signature

Date

Name

Title

WENF SEP 19 2016



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 Renner Boulevard
Lenexa, Kansas 66219**

SEP 01 2016

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6125 3756

Cecil O'Brate
Registered Agent
American Warrior Inc.
P. O. Box 399
Garden City, Kansas 67846

Dear Mr. O'Brate:

The Kansas Corporation Commission has provided information to the U.S. Environmental Protection Agency regarding the following oil production leases owned and/or operated by American Warrior Inc. (formally owned and/or operated by Black Tea Oil, LLC) that have threatened to discharge oil or a hazardous substance into waters of the United States or adjoining shorelines including the: Fairleigh and Wood leases.

Sections 311(b)(3) and 311(j) of the CWA, as amended, 33 U.S.C. §§ 1321(b)(3) and (j), require the EPA to establish regulations to prevent the discharge of oil from onshore facilities. The EPA's regulations defining discharges of oil are found at 40 C.F.R. Part 110. The EPA's SPCC regulations are found at 40 C.F.R. Part 112.

Pursuant to the authority of Sections 308 and 311(m) of the CWA, 33 U.S.C. §§1318 and 1321(m), American Warrior Inc. is required to furnish the information and documents asked for in Attachment 1 of this letter that are in its possession, custody or control, or in the possession, custody or control of any of its employees or agents, that concern, refer or relate to the actual and/or threatened "discharge" of oil or hazardous substance, as defined in Section 311(a)(2) of the CWA, 33 U.S.C. §1321(a)(7), which is also a "pollutant" as defined in Section 502(6) of the CWA, 33 U.S.C. §1365(6) or relate to the implementation of a Spill Prevention, Control and Countermeasure Plan (SPCC Plan, or Plan).

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**ATTACHMENT 1
CLEAN WATER ACT SECTION 308
REQUEST FOR INFORMATION**

A. Instructions for Response

When responding, please follow these instructions:

1. Respond to each numbered item in the attached Request for Information (Request) separately and identify each answer with the number of the item to which it responds.
2. For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
3. For each document provided in your response, indicate on the document (or in some similar manner) the number of the item to which it responds.
4. For each numbered item, identify all persons consulted in the preparation of the answer.
5. If information responsive to a requested item is not in respondent's possession, identify the person(s) from whom the information may be obtained.
6. If information that is not known or available at the time response is made but later becomes known or available to respondent, the response must be supplemented.
7. If, at any time after response is submitted, respondent finds that any part of the information submitted is incomplete, false, or misrepresents the truth, respondent must notify the EPA immediately.
8. This information request is subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, *et seq.*

B. Requested Information

Requested Respondent Information

1. Identify the person(s) answering these questions on behalf of American Warrior Inc. (operator, facility), including full name, business mailing address, business telephone number, electronic mail address and relationship to the company.
2. Provide the names, titles, addresses, and phone numbers of employees and officials of American Warrior Inc. who may have knowledge of the facts surrounding the events identified in the cover letter.

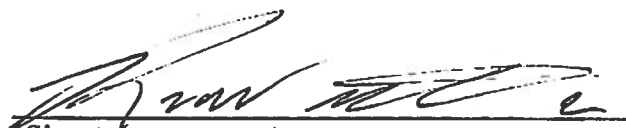
12. For each facility associated with the identified leases, for diked areas of aboveground storage of oil, describe whether the drainage from diked storage areas is restrained by valves or if a system is designed to control such a discharge; or, is drainage from diked storage areas controlled by a manually activated pump or ejector and is the condition of the accumulation inspected prior to draining the dike to ensure no oil will be discharged.
13. For each facility associated with the identified leases, for diked areas of aboveground storage of oil, describe whether the drain valves are of manual, open-and-closed design. If drainage is released directly to a watercourse, describe whether retained stormwater is inspected and discharged pursuant to §§112.8(c)(3)(ii),(iii) and (iv).
14. For each facility associated with the identified leases, for undiked areas of aboveground storage of oil with potential for discharge, describe whether drainage is designed to flow into ponds, lagoons, or catchment basins to retain oil or return it to the facility. If a catchment basin is provided, state whether it is located away from a flood area.
15. For each facility associated with the identified leases, if the facility drainage is not engineered as described in Question 14, describe whether the facility is equipped with a diversion system to retain oil in the event of an uncontrolled discharge.
16. For each facility associated with the identified leases, state whether the bulk storage tanks contain oils; and if so are the containers, materials, and construction compatible with the materials and conditions of storage.
17. For each facility associated with the identified leases, state whether the facility has a procedure for and conducts periodic visual inspections of containers, foundations, and supports for deteriorations and maintenance needs. If inspection records are kept by the facility operator, provide copies of the last three years of records.
18. For each facility associated with the identified leases, state whether the facility has a procedure for and conducts scheduled periodic visual inspections of valves and pipelines to assess their general condition, including such items as flange joints, valve glands and valve bodies, drip pans, pipeline supports, bleeder and gauge valves, polish rods and stuffing boxes. If inspection records are kept by the facility operator, provide copies of the last three years of records.
19. For each facility associated with the identified leases, state whether the following are present at the tank battery: adequate tank capacity to prevent tank overflow; overflow equalizing lines between the tanks; vacuum protection to prevent tank collapse; high level alarms to generate and transmit an alarm signal where facilities are part of a computer control system.
20. For each facility associated with the identified leases, state the average daily oil production for the facility in barrels.
21. For each facility associated with the identified leases, state the average daily produced water production for the facility in barrels.
22. For each facility associated with the identified leases, state whether the facility has a flowline maintenance program and provide a copy of the program procedures. If inspection records are kept by the facility, provide copies of the last three years of records.

STATEMENT OF CERTIFICATION

The following Statement of Certification must be completed by the owner, CEO, president, or other chief official of the company responding to this information request:

STATEMENT OF CERTIFICATION

I certify under the penalty of law, that I have personally examined and am familiar with the information submitted in this document and all attachments and, that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.


Signature

9-12-16
Date

Kevin Wiles SR
Name

Prod. Supt.
Title



American Warrior, Inc.
P.O. Box 399
Garden City, Kansas 67846

WICHITA
KS 670
13 SEP '16
PM 2 L



WWPD

United States Environmental
Protection Agency
Region 7
11201 Renner Blvd.
Lenexa, KS 66219

66219-960101





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

SEP 01 2016

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Article Number: 7014 1200 0000 6125 3770

Drue Herl
Registered Agent
Infinity Oil Inc.
1014 East 29th Street
Hays, Kansas 67601

Dear Mr. Herl:

The Kansas Corporation Commission has provided information to the U.S. Environmental Protection Agency regarding the following oil production leases owned and/or operated by Infinity Oil Inc. (formally owned and/or operated by Black Tea Oil, LLC) that have threatened to discharge oil or a hazardous substance into waters of the United States or adjoining shorelines including the: Paradise, Ellis and Ottley leases.

Sections 311(b)(3) and 311(j) of the Clean Water Act, as amended, 33 U.S.C. §§ 1321(b)(3) and (j), require the EPA to establish regulations to prevent the discharge of oil from onshore facilities. The EPA's regulations defining discharges of oil are found at 40 C.F.R. Part 110. The EPA's SPCC regulations are found at 40 C.F.R. Part 112.

Pursuant to the authority of Sections 308 and 311(m) of the CWA, 33 U.S.C. §§1318 and 1321(m), Infinity Oil Inc. is required to furnish the information and documents asked for in Attachment 1 of this letter that are in its possession, custody or control, or in the possession, custody or control of any of its employees or agents, that concern, refer or relate to the actual and/or threatened "discharge" of oil or hazardous substance, as defined in Section 311(a)(2) of the CWA, 33 U.S.C. §1321(a)(7), which is also a "pollutant" as defined in Section 502(6) of the CWA, 33 U.S.C. §1365(6) or relate to the implementation of a Spill Prevention, Control and Countermeasure Plan (SPCC Plan, or Plan).

The required information must be submitted no later than **fifteen (15) calendar days** after receipt of this letter to:

Mark Aaron
Chemical & Oil Release Prevention Branch
Air & Waste Management Division
US EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

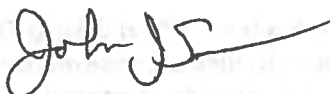
Any request for an extension to the time limit for responding must be in writing to Mark Aaron and must be made within five (5) calendar days of receipt of this information request.

In accordance with the provisions of 40 C.F.R. §2.203, you may assert a business confidentiality claim covering part or all of the information by clearly identifying it as "confidential" using a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential. You should clearly mark as "confidential" any parts of otherwise non-confidential documents and may submit them separately to help the agency handle and identify them. If no such claim accompanies the information when it is received by the agency, it may be made available to the public without further notice.

Please carefully read and follow the instructions in Attachment 1 (Section A). The information you provide may be used by the agency in administrative or judicial enforcement proceedings. Furthermore, failure to provide all the information required, or the making of any false material statement or representation in response to this letter, constitute violations of Section 308 of the CWA and may result in an enforcement action and the imposition of civil and/or criminal sanctions pursuant to Section 309 of the CWA, 33 U.S.C. §1319. This information request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§3501 *et seq.*

If you have any questions, please contact Mr. Mark Aaron at (913) 551-7205, or Ms. Sara Hertz Wu, the attorney assigned to this matter, at (913) 551-7316.

Sincerely,



John Smith
Deputy Director
Air & Waste Management Division

Attachments

ATTACHMENT 1
CLEAN WATER ACT SECTION 308
REQUEST FOR INFORMATION

A. Instructions for Response

When responding, please follow these instructions:

1. Respond to each numbered item in the attached Request for Information (Request) separately and identify each answer with the number of the item to which it responds.
2. For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
3. For each document provided in your response, indicate on the document (or in some similar manner) the number of the item to which it responds.
4. For each numbered item, identify all persons consulted in the preparation of the answer.
5. If information responsive to a requested item is not in respondent's possession, identify the person(s) from whom the information may be obtained.
6. If information that is not known or available at the time response is made but later becomes known or available to respondent, the response must be supplemented.
7. If, at any time after response is submitted, respondent finds that any part of the information submitted is incomplete, false, or misrepresents the truth, respondent must notify the EPA immediately.
8. This information request is subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, *et seq.*

B. Requested Information

Requested Respondent Information

1. Identify the person(s) answering these questions on behalf of Infinity Oil Inc. (operator, facility), including full name, business mailing address, business telephone number, electronic mail address and relationship to the company.
2. Provide the names, titles, addresses, and phone numbers of employees and officials of Infinity Oil Inc. who may have knowledge of the facts surrounding the events identified in the cover letter.

**Requested Spill Prevention, Control and Countermeasure Plan Information for all production well heads and injection well heads associated with the following leases:
Paradise, Ellis and Ottley.**

3. For each facility associated with the identified leases, provide the total aboveground storage capacity, in gallons, of the facility.
4. For each facility associated with the identified leases, identify whether the facility stores oil, produced water, or other oil products aboveground in excess of 1320 gallons.
5. For each facility associated with the identified leases, describe the type of tank, construction, configuration, capacity, contents, age, and date of installation of each tank, appurtenance (including piping, valves, pumps, and transfer and dispensing devices), container, tank truck, or other equipment, including oil-filled operational equipment (such as generators, gensets, and/or engines) at the facility which contains or has the capacity to contain oil or oil products in excess of fifty-five (55) gallons.
6. For each facility associated with the identified leases, provide the date the facility began operations.
7. For each facility associated with the identified leases, state whether a Certification of the Applicability of the Substantial Harm Criteria, as found in Appendix C to 40 C.F.R. Part 112, has been completed for the facility. If so, provide a copy of the certification.
8. For each facility associated with the identified leases, state whether the facility has prepared a Spill Prevention, Control and Countermeasure Plan (SPCC Plan, or Plan) in accordance with the Oil Pollution Prevention regulations, 40 C.F.R. Part 112. If so, attach a complete copy of the SPCC Plan to your response to this Request. Specify the date the Plan was first prepared and provide a copy of amendments to the Plan, if any, which became effective within the last five years.
9. For each facility associated with the identified leases, state whether appropriate containment and/or diversionary structures or equipment are provided to prevent a discharge of oil as described in 40 C.F.R. §112.1(b). State whether the entire containment system, including walls and floors, are capable of containing oil and are constructed to prevent escape of a discharge from the containment system before cleanup occurs.
10. For each facility associated with the identified leases, identify which of the following are present at the facility and if appropriate containment and/or diversionary structures or equipment are provided: bulk storage containers; mobile/portable containers; oil-filled operational equipment (as defined in §112.2); piping and related appurtenances; mobile refuelers or non-transportation related tanks; transfer areas and/or loading/unloading areas, equipment and activities; identify any other equipment or activities that are not already listed.
11. For each facility associated with the identified leases, state whether a loading/unloading rack is present at the facility. If so, describe the drainage flow and the containment system for the facility.

12. For each facility associated with the identified leases, for diked areas of aboveground storage of oil, describe whether the drainage from diked storage areas is restrained by valves or if a system is designed to control such a discharge; or, is drainage from diked storage areas controlled by a manually activated pump or ejector and is the condition of the accumulation inspected prior to draining the dike to ensure no oil will be discharged.
13. For each facility associated with the identified leases, for diked areas of aboveground storage of oil, describe whether the drain valves are of manual, open-and-closed design. If drainage is released directly to a watercourse, describe whether retained stormwater is inspected and discharged pursuant to §§112.8(c)(3)(ii),(iii) and (iv).
14. For each facility associated with the identified leases, for undiked areas of aboveground storage of oil with potential for discharge, describe whether drainage is designed to flow into ponds, lagoons, or catchment basins to retain oil or return it to the facility. If a catchment basin is provided, state whether it is located away from a flood area.
15. For each facility associated with the identified leases, if the facility drainage is not engineered as described in Question 14, describe whether the facility is equipped with a diversion system to retain oil in the event of an uncontrolled discharge.
16. For each facility associated with the identified leases, state whether the bulk storage tanks contain oils; and if so are the containers, materials, and construction compatible with the materials and conditions of storage.
17. For each facility associated with the identified leases, state whether the facility has a procedure for and conducts periodic visual inspections of containers, foundations, and supports for deteriorations and maintenance needs. If inspection records are kept by the facility operator, provide copies of the last three years of records.
18. For each facility associated with the identified leases, state whether the facility has a procedure for and conducts scheduled periodic visual inspections of valves and pipelines to assess their general condition, including such items as flange joints, valve glands and valve bodies, drip pans, pipeline supports, bleeder and gauge valves, polish rods and stuffing boxes. If inspection records are kept by the facility operator, provide copies of the last three years of records.
19. For each facility associated with the identified leases, state whether the following are present at the tank battery: adequate tank capacity to prevent tank overfill; overflow equalizing lines between the tanks; vacuum protection to prevent tank collapse; high level alarms to generate and transmit an alarm signal where facilities are part of a computer control system.
20. For each facility associated with the identified leases, state the average daily oil production for the facility in barrels.
21. For each facility associated with the identified leases, state the average daily produced water production for the facility in barrels.
22. For each facility associated with the identified leases, state whether the facility has a flowline maintenance program and provide a copy of the program procedures. If inspection records are kept by the facility, provide copies of the last three years of records.

23. For each facility associated with the identified leases, state whether the facility has prepared and implemented a Contingency Plan pursuant to 40 C.F.R. Part 109, and if so, provide a copy of the Contingency Plan.
24. For each facility associated with the identified leases, state whether the bulk storage tank installations have been constructed with secondary containment to hold the capacity of the largest container plus sufficient freeboard for precipitation.
25. For each facility associated with the identified leases, provide secondary containment calculations for all diked areas of aboveground storage of oil.
26. For each facility associated with the identified leases, state whether the diked areas are sufficiently impervious to contain discharged oil; or, if any discharge to a drainage trench system will be safely confined in a facility catchment basin or holding pond.
27. For each facility associated with the identified leases, state whether there is drainage of uncontaminated rainwater from diked areas to a watercourse.
28. For each facility associated with the identified leases, state whether visible discharges which result in a loss of oil from a container are promptly corrected and oil in diked areas is promptly removed.
29. For each facility associated with the identified leases, state whether mobile or portable containers are positioned to prevent a discharge as described in §112.1(b). State whether mobile or portable containers have secondary containment with sufficient capacity to contain the largest compartment or container and sufficient freeboard to container precipitation.
30. For each facility associated with the identified leases, state whether mobile drilling or workover equipment is positioned or located to prevent a discharge as described in §112.1(b).
31. For each facility associated with the identified leases, state whether catchment basins or diversion structures are provided to intercept and contain discharges of fuel, crude oil, or oily drilling fluids.
32. For each facility associated with the identified leases, state whether catchment basins or diversion structures are provided to store fuel, crude oil, or oily drilling fluids, and provide the contents and quantities stored for each.
33. For each facility associated with the identified leases, state whether a blowout prevention assembly and well control system is installed before drilling below any casing string or during workover operations.
34. For each facility associated with the identified leases, state whether the blowout prevention assembly and well control system is capable of controlling any well-head pressure that may be encountered while on the well.

Guidance documents pertaining to the EPA's oil pollution prevention regulations and development of SPCC Plans may be obtained by request or from the EPA's Oil Spill Program website, <http://epa.gov/oilspill>

STATEMENT OF CERTIFICATION

The following Statement of Certification must be completed by the owner, CEO, president, or other chief official of the company responding to this information request:

STATEMENT OF CERTIFICATION

I certify under the penalty of law, that I have personally examined and am familiar with the information submitted in this document and all attachments and, that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

Signature

Date

Name

Title



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

SEP 01 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6125 3763

Charles Woodin
Registered Agent
Trans Pacific Oil Corporation
1551 N. Waterfront Parkway Suite 100
Wichita, Kansas 67206

Dear Mr. Woodin:

The Kansas Corporation Commission has provided information to the U.S. Environmental Protection Agency regarding the following oil production leases owned and/or operated by Trans Pacific Oil Corporation (formally owned and/or operated by Black Tea Oil, LLC) that have threatened to discharge oil or a hazardous substance into waters of the United States or adjoining shorelines including the: DFK, Free, Hibbert, Hoeme, Krebs, Pahls, Rose Trust, and Younkin leases.

Sections 311(b)(3) and 311(j) of the CWA, as amended, 33 U.S.C. §§ 1321(b)(3) and (j), require the EPA to establish regulations to prevent the discharge of oil from onshore facilities. The EPA's regulations defining discharges of oil are found at 40 C.F.R. Part 110. The EPA's SPCC regulations are found at 40 C.F.R. Part 112.

Pursuant to the authority of Sections 308 and 311(m) of the CWA, 33 U.S.C. §§1318 and 1321(m), Trans Pacific Oil Corporation is required to furnish the information and documents asked for in Attachment 1 of this letter that are in its possession, custody or control, or in the possession, custody or control of any of its employees or agents.

The EPA is investigating the unauthorized placement of dredged or fill material into waters of the United States that occurred at some of the leases now operated by your company. Specifically, portions of the Smoky Hill River had been filled by the Krebs B1, Krebs P1 and the Rose Trust B3 wells and associated equipment, road crossings and pipeline crossings. Because these fill activities occurred in "waters of the U.S.," they are potential violations of Section 404 of the Clean Water Act. The agency is requesting that you provide additional information detailed in Attachment 1 concerning these fill activities since your company began operating these wells.

The EPA also requests that Trans Pacific Oil Corporation provide information detailed in Attachment 1 that concerns, refers or relates to the actual and/or threatened "discharge" of oil or hazardous substance, as defined in Section 311(a)(2) of the CWA, 33 U.S.C. §1321(a)(7), which is also a "pollutant" as defined in Section 502(6) of the CWA, 33 U.S.C. §1365(6) or relate to the implementation of a Spill Prevention, Control and Countermeasure Plan (SPCC Plan, or Plan), and information related to unauthorized fill activities.

The required information must be submitted no later than **fifteen (15) calendar days** after receipt of this letter to:

Mark Aaron
Chemical & Oil Release Prevention Branch
Air & Waste Management Division
US EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

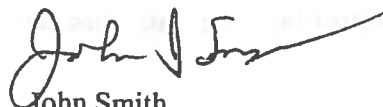
Any request for an extension to the time limit for responding must be in writing to Mark Aaron and must be made within five (5) calendar days of receipt of this information request.

In accordance with the provisions of 40 C.F.R. §2.203, you may assert a business confidentiality claim covering part or all of the information by clearly identifying it as "confidential" using a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential. You should clearly mark as "confidential" any parts of otherwise non-confidential documents and may submit them separately to help the agency handle and identify them. If no such claim accompanies the information when it is received by the agency, it may be made available to the public without further notice.

Please carefully read and follow the instructions in Attachment 1 (Section A). The information you provide may be used by the agency in administrative or judicial enforcement proceedings. Furthermore, failure to provide all the information required, or the making of any false material statement or representation in response to this letter, constitute violations of Section 308 of the CWA and may result in an enforcement action and the imposition of civil and/or criminal sanctions pursuant to Section 309 of the CWA, 33 U.S.C. §1319. This information request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§3501 *et seq.*

If you have any questions, please contact Mr. Mark Aaron at (913) 551-7205, or Ms. Sara Hertz Wu, the attorney assigned to this matter, at (913) 551-7316.

Sincerely,


John Smith
Deputy Director

Attachment

ATTACHMENT 1
CLEAN WATER ACT SECTION 308
REQUEST FOR INFORMATION

A. Instructions for Response

When responding, please follow these instructions:

1. Respond to each numbered item in the attached Request for Information (Request) separately and identify each answer with the number of the item to which it responds.
2. For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
3. For each document provided in your response, indicate on the document (or in some similar manner) the number of the item to which it responds.
4. For each numbered item, identify all persons consulted in the preparation of the answer.
5. If information responsive to a requested item is not in respondent's possession, identify the person(s) from whom the information may be obtained.
6. If information that is not known or available at the time response is made but later becomes known or available to respondent, the response must be supplemented.
7. If, at any time after response is submitted, respondent finds that any part of the information submitted is incomplete, false, or misrepresents the truth, respondent must notify the EPA immediately.
8. This information request is subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, *et seq.*

B. Requested Information

Requested Respondent Information

1. Identify the person(s) answering these questions on behalf of Trans Pacific Oil Corporation (operator, facility), including full name, business mailing address, business telephone number, electronic mail address and relationship to the company.
2. Provide the names, titles, addresses, and phone numbers of employees and officials of Trans Pacific Oil Corporation who may have knowledge of the facts surrounding the events identified in the cover letter.

**Requested Spill Prevention, Control and Countermeasure Plan Information for all production well heads and injection well heads associated with the following leases:
DFK (1-5), Free, Hibbert (A & B), Hoeme, Krebs (A, B, C, F, G, H, M – S, V, X & Z), Pahls (A, B, E & F), Rose Trust (A, B & D) and Younkin (B & C).**

3. For each facility associated with the identified leases, provide the total aboveground storage capacity, in gallons, of the facility.
4. For each facility associated with the identified leases, identify whether the facility stores oil, produced water, or other oil products aboveground in excess of 1320 gallons.
5. For each facility associated with the identified leases, describe the type of tank, construction, configuration, capacity, contents, age, and date of installation of each tank, appurtenance (including piping, valves, pumps, and transfer and dispensing devices), container, tank truck, or other equipment, including oil-filled operational equipment (such as generators, gensets, and/or engines) at the facility which contains or has the capacity to contain oil or oil products in excess of fifty-five (55) gallons.
6. For each facility associated with the identified leases, provide the date the facility began operations.
7. For each facility associated with the identified leases, state whether a Certification of the Applicability of the Substantial Harm Criteria, as found in Appendix C to 40 C.F.R. Part 112, has been completed for the facility. If so, provide a copy of the certification.
8. For each facility associated with the identified leases, state whether the facility has prepared a Spill Prevention, Control and Countermeasure Plan (SPCC Plan, or Plan) in accordance with the Oil Pollution Prevention regulations, 40 C.F.R. Part 112. If so, attach a complete copy of the SPCC Plan to your response to this Request. Specify the date the Plan was first prepared and provide a copy of amendments to the Plan, if any, which became effective within the last five years.
9. For each facility associated with the identified leases, state whether appropriate containment and/or diversionary structures or equipment are provided to prevent a discharge of oil as described in 40 C.F.R. §112.1(b). State whether the entire containment system, including walls and floors, are capable of containing oil and are constructed to prevent escape of a discharge from the containment system before cleanup occurs.
10. For each facility associated with the identified leases, identify which of the following are present at the facility and if appropriate containment and/or diversionary structures or equipment are provided: bulk storage containers; mobile/portable containers; oil-filled operational equipment (as defined in §112.2); piping and related appurtenances; mobile refuelers or non-transportation related tanks; transfer areas and/or loading/unloading areas, equipment and activities; identify any other equipment or activities that are not already listed.
11. For each facility associated with the identified leases, state whether a loading/unloading rack is present at the facility. If so, describe the drainage flow and the containment system for the facility.

12. For each facility associated with the identified leases, for diked areas of aboveground storage of oil, describe whether the drainage from diked storage areas is restrained by valves or if a system is designed to control such a discharge; or, is drainage from diked storage areas controlled by a manually activated pump or ejector and is the condition of the accumulation inspected prior to draining the dike to ensure no oil will be discharged.
13. For each facility associated with the identified leases, for diked areas of aboveground storage of oil, describe whether the drain valves are of manual, open-and-closed design. If drainage is released directly to a watercourse, describe whether retained stormwater is inspected and discharged pursuant to §§112.8(c)(3)(ii),(iii) and (iv).
14. For each facility associated with the identified leases, for undiked areas of aboveground storage of oil with potential for discharge, describe whether drainage is designed to flow into ponds, lagoons, or catchment basins to retain oil or return it to the facility. If a catchment basin is provided, state whether it is located away from a flood area.
15. For each facility associated with the identified leases, if the facility drainage is not engineered as described in Question 14, describe whether the facility is equipped with a diversion system to retain oil in the event of an uncontrolled discharge.
16. For each facility associated with the identified leases, state whether the bulk storage tanks contain oils; and if so are the containers, materials, and construction compatible with the materials and conditions of storage.
17. For each facility associated with the identified leases, state whether the facility has a procedure for and conducts periodic visual inspections of containers, foundations, and supports for deteriorations and maintenance needs. If inspection records are kept by the facility operator, provide copies of the last three years of records.
18. For each facility associated with the identified leases, state whether the facility has a procedure for and conducts scheduled periodic visual inspections of valves and pipelines to assess their general condition, including such items as flange joints, valve glands and valve bodies, drip pans, pipeline supports, bleeder and gauge valves, polish rods and stuffing boxes. If inspection records are kept by the facility operator, provide copies of the last three years of records.
19. For each facility associated with the identified leases, state whether the following are present at the tank battery: adequate tank capacity to prevent tank overflow; overflow equalizing lines between the tanks; vacuum protection to prevent tank collapse; high level alarms to generate and transmit an alarm signal where facilities are part of a computer control system.
20. For each facility associated with the identified leases, state the average daily oil production for the facility in barrels.
21. For each facility associated with the identified leases, state the average daily produced water production for the facility in barrels.
22. For each facility associated with the identified leases, state whether the facility has a flowline maintenance program and provide a copy of the program procedures. If inspection records are kept by the facility, provide copies of the last three years of records.

23. For each facility associated with the identified leases, state whether the facility has prepared and implemented a Contingency Plan pursuant to 40 C.F.R. Part 109, and if so, provide a copy of the Contingency Plan.
24. For each facility associated with the identified leases, state whether the bulk storage tank installations have been constructed with secondary containment to hold the capacity of the largest container plus sufficient freeboard for precipitation.
25. For each facility associated with the identified leases, provide secondary containment calculations for all diked areas of aboveground storage of oil.
26. For each facility associated with the identified leases, state whether the diked areas are sufficiently impervious to contain discharged oil; or, if any discharge to a drainage trench system will be safely confined in a facility catchment basin or holding pond.
27. For each facility associated with the identified leases, state whether there is drainage of uncontaminated rainwater from diked areas to a watercourse.
28. For each facility associated with the identified leases, state whether visible discharges which result in a loss of oil from a container are promptly corrected and oil in diked areas is promptly removed.
29. For each facility associated with the identified leases, state whether mobile or portable containers are positioned to prevent a discharge as described in §112.1(b). State whether mobile or portable containers have secondary containment with sufficient capacity to contain the largest compartment or container and sufficient freeboard to container precipitation.
30. For each facility associated with the identified leases, state whether mobile drilling or workover equipment is positioned or located to prevent a discharge as described in §112.1(b).
31. For each facility associated with the identified leases, state whether catchment basins or diversion structures are provided to intercept and contain discharges of fuel, crude oil, or oily drilling fluids.
32. For each facility associated with the identified leases, state whether catchment basins or diversion structures are provided to store fuel, crude oil, or oily drilling fluids, and provide the contents and quantities stored for each.
33. For each facility associated with the identified leases, state whether a blowout prevention assembly and well control system is installed before drilling below any casing string or during workover operations.
34. For each facility associated with the identified leases, state whether the blowout prevention assembly and well control system is capable of controlling any well-head pressure that may be encountered while on the well.

Requested information pertaining to activities that result in fill being placed within the Smoky Hill River for the Krebs B1, Krebs P1 and Rose Trust B3 wells.

35. Have any structural modifications been made, maintenance activities been completed, or other changes been made to the Krebs B1, Krebs P1 and Rose Trust B3 well pad, well platform or other equipment/apparatuses/structures associated with these wells (i.e. road crossings, transmission lines, pipelines, generators, etc.) since September 11, 2015? Provide a description of the modification/activity, date modification/activity was made, and who completed the modification/activity.

Guidance documents pertaining to the EPA's oil pollution prevention regulations and development of SPCC Plans may be obtained by request or from the EPA's Oil Spill Program website, <http://epa.gov/oilspill>

STATEMENT OF CERTIFICATION

The following Statement of Certification must be completed by the owner, CEO, president, or other chief official of the company responding to this information request:

STATEMENT OF CERTIFICATION

I certify under the penalty of law, that I have personally examined and am familiar with the information submitted in this document and all attachments and, that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

Signature

Date

Name

Title



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

JUN 10 2016

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Receipt Number: 7014 1200 0000 6124 9681

Nate Carter
Registered Agent for Pacer Energy Marketing
505 West Lincoln Road
Iola, Kansas 66749-1805

Dear Mr. Carter:

On or about June 2, 2015, the U.S. Environmental Protection Agency inspected the Pacer Energy Marketing facility located at approximately 421 1250th Street, Humboldt, Kansas. The EPA is requesting information about Spill Prevention, Control and Countermeasure compliance at Pacer Energy Marketing.

Section 311(j) of the Clean Water Act, as amended, requires the EPA to establish regulations to prevent the discharge of oil from onshore facilities. The EPA's SPCC regulations are found at 40 CFR Part 112 and civil penalties for violations of these regulations are governed by Section 311(b)(6)(B) of the CWA, 33 U.S.C. § 1321 (b)(6)(B).

Pursuant to the authority of Sections 308 and 311(m) of the CWA, 33 U.S.C. §§ 1318 and 1321(m), Pacer Energy Marketing is required to furnish the information and documents asked for in Enclosure 1 of this letter that are in its possession, custody or control, or in the possession, custody or control of any of its employees or agents, that concern, refer or relate to the SPCC Plan.

The required information must be submitted no later than 14 calendar days after receipt of this letter to:

Mark Aaron
U.S. Environmental Protection Agency
Region 7, CORP/EICS
11201 Renner Boulevard
Lenexa, Kansas 66219

Any request for an extension to the time limit for responding must be in writing to Mr. Mark Aaron and must be made within five calendar days of receipt of this information request.



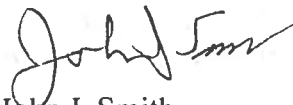
Printed on Recycled Paper

In accordance with the provisions of 40 CFR §2.203, you may assert a business confidentiality claim covering part or all of the information by clearly identifying it as "confidential" using a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary or company confidential. You should clearly mark as "confidential" any parts of otherwise nonconfidential documents and may submit them separately to help the EPA handle and identify them. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public without further notice.

Please carefully read and follow the instructions in Enclosure 1 (Section A). The information you provide may be used by the EPA in administrative or judicial enforcement proceedings. Furthermore, failure to provide all the information required, or the making of any false material statement or representation in response to this letter, constitute violations of Section 308 of the CWA and may result in an enforcement action and the imposition of civil and/or criminal sanctions pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. This information request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 *et seq.*

If you have any questions, please contact Mr. Mark Aaron at (913) 551-7205, or Ms. Liz Huston, the attorney assigned to this matter, at (913) 551-7525.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Smith", with a stylized flourish at the end.

John J. Smith
Deputy Director
Air & Waste Management Division

Enclosure

ENCLOSURE 1
CLEAN WATER ACT SECTION 308
REQUEST FOR INFORMATION

A. Instructions for Response

When responding, please follow these instructions:

1. Respond to each numbered item in the attached Request for Information (Request) separately and identify each answer with the number of the item to which it responds.
2. For each numbered item in the Request, identify all documents consulted, examined or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
3. For each document provided in your response, indicate on the document (or in some similar manner) the number of the item to which it responds.
4. For each numbered item, identify all persons consulted in the preparation of the answer.
5. If information responsive to a requested item is not in respondent's possession, identify the person(s) from whom the information may be obtained.
6. If information that is not known or available at the time response is made later becomes known or available to respondent, the response must be supplemented.
7. If, at any time after response is submitted, respondent finds that any part of the information submitted is incomplete, false or misrepresents the truth, respondent must notify the EPA immediately.
8. This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, *et seq.*

B. Requested Information:

1. Identify the person(s) answering these questions on behalf of Pacer Energy Marketing (hereafter Pacer or facility) including full name, business mailing address, business telephone number and relationship to Pacer.
2. Provide the names, titles, addresses and phone numbers of employees and officials of Pacer who may have knowledge of the matters identified in this information request.

Spill Prevention, Control and Countermeasure Plan Information

3. For the facility, provide the complete address of the facility owned and/or operated by Pacer that has an aboveground storage capacity for oil of 1,320 gallons or more.

4. For the facility identified in response to Item 3 above, provide the total volume of: a) underground oil storage capacity; and, b) aboveground oil storage capacity.
5. For the facility identified in response to Item 3 above, provide the following information for each of the oil storage (aboveground) containers with a capacity in excess of 55 gallons [including but not limited to, tanks, drums, appurtenances [including piping, valves, pumps and transfer and dispensing devices], containers or other equipment, including oil filled operational equipment [such as generators and/or engines] and oil filled manufacturing equipment [flow-through process equipment]].
 - a. the type of construction and configuration;
 - b. capacity;
 - c. contents of the container;
 - d. the age and date each container was first put into service (applicable to tanks put into service at another facility prior to installation and commissioning at the facility);
 - e. the age and date of installation of each container at the facility.
6. For the facility identified in response to Item 3 above, identify all bodies of water near the facility (e.g. creeks, streams, rivers, lakes and ponds) and provide the estimated distance between the facility and that water body.
7. For the facility identified in response to Item 3 above, identify water bodies that receive surface water runoff or drainage from the facility.
8. For the facility identified in response to Item 3 above, identify all storm drains, drainage ditches, other storm drainage structures and drinking water intakes within a quarter mile of the facility. In addition, identify water body into which the stormwater flows.
9. For the facility identified in response to Item 3 above, state whether it is, due to the facility's location, reasonable to expect (e.g. is it foreseeable) for a discharge of oil from the facility to reach navigable waters or adjoining shorelines in harmful quantities. Discharges of oil in harmful quantities include discharges of oil that violate applicable water quality standards, or discharges that cause a sheen upon or discoloration of the surface of waters or adjoining shorelines, or discharges that cause a sludge or emulsion to be deposited beneath the surface of the waters or upon adjoining shorelines. This analysis should include the possible effect of surface water runoff during rain events and of runoff transporting oil discharge during such events. However, this analysis should not include the effect of secondary containment, or man-made structures on drainage and/or runoff to such navigable waters or adjoining shorelines.
10. For the facility identified in response to Item 3 above, provide the date the facility first began operations.
11. For the facility identified in response to Item 3 above, state whether a Certification of the Applicability of Substantial Harm Criteria, as found in Appendix C to 40 CFR Part 112, has been completed for the facility. If so, provide a copy of the certification.
12. For the facility identified in response to Item 3 above, provide a description of the cause(s) of any spills and/or discharges at the facility, including a failure analysis of the system or subsystem

in which the failure occurred. Include a chronological description of events that led up to and contributed to the spill and/or discharge event(s).

13. For the facility identified in response to Item 3 above, state whether the facility has prepared a Spill Prevention, Control and Countermeasure. Plan in accordance with the Oil Pollution Prevention regulations, 40 CFR Part 112. If so, please attach a complete copy of the SPCC Plan to your response to this information request. Specify the date it was first prepared and provide a copy of amendments to the Plan, if any, that became effective within the last five years.
14. For the facility identified in response to Item 3 above, state whether appropriate containment and/or diversionary structures or equipment are provided to prevent a discharge of oil as described in 40 CFR §112.1(b). State whether the entire containment system, including walls and floors, are capable of containing oil and are constructed to prevent escape of a discharge from the containment system before cleanup occurs.
15. For the facility identified in response to Item 3 above, identify which of the following are present at the facility and describe the containment and/or diversionary structures or equipment for each:
 - a. bulk storage containers;
 - b. mobile/portable containers;
 - c. oil-filled operational equipment (as defined in §112.2);
 - d. other oil-filled equipment (i.e., manufacturing equipment);
 - e. piping and related appurtenances;
 - f. mobile refuelers or non-transportation related tank cars;
 - g. transfer areas, equipment and activities;
 - h. identify any other equipment or activities that are not already listed.
16. For the facility identified in response to Item 3 above, describe how the facility implements the security requirements of 40 CFR §112.7(g). Please fully describe how the facility secures and controls access to the oil handling, processing and storage areas; secures master flow valves and drain valves; prevents unauthorized access to starter controls on oil pumps; secures out-of-service and loading/unloading connections of oil pipelines; and, addresses the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges.
17. For the facility identified in response to Item 3 above, state whether a tank car and/or a tank truck loading/unloading rack is present at the facility. If so, describe the drainage flow and containment system for the facility.
18. For the facility identified in response to Item 3 above: for diked areas of aboveground storage of oil, describe whether drain valves or manual, open-and-closed design. If drainage is released directly to a watercourse and not to an on-site wastewater treatment plant, describe whether retained storm water is inspected and discharged per §§112.8(c)(3)(ii), (iii), and (iv).
19. For the facility identified in response to Item 3 above: for all undiked areas of aboveground storage of oil, describe whether drainage from the undiked area(s) is designed to flow into ponds, lagoons or catchment basins to retain oil or return it to the facility. If a catchment basin is provided, state whether it is located away from a flood area.

20. For the facility identified in response to Item 3 above, if the facility drainage is not engineered as described in Question 19, describe whether the facility is equipped with a diversion system to retain oil in the facility in the event of an uncontrolled discharge.
21. For the facility identified in response to Item 3 above, state whether the bulk storage containers utilized for the storage of oil are of compatible material and construction with the contents stored and the conditions of storage such as pressure and temperature.
22. For the facility identified in response to Item 3 above, state whether the tanks were designed for the aboveground storage of fuels and/or oils.
23. For the facility identified in response to Item 3 above, identify whether any bulk storage tank areas have been constructed with secondary containment that is not adequate to contain the capacity of the largest container and sufficient freeboard for precipitation.
24. For the facility identified in response to Item 3 above, provide secondary containment calculations for all bulk storage areas of aboveground storage of oil.
25. For the facility identified in response to Item 3 above, state whether the diked areas are sufficiently impervious to contain discharged oil; or, if any discharge to drainage trench system will be safely confined in a facility catchment basin or holding pond.
26. For the facility identified in response to Item 3 above, state whether there is drainage of accumulated, uncontaminated rainwater or surface water runoff from diked areas into a storm drain or open watercourse.
27. For the facility identified in response to Item 3 above, state whether each aboveground container has been tested or inspected for integrity on a regular schedule and identify whenever material repairs have been made pursuant to §112.8(c)(6), provide records of completed integrity testing, and provide a schedule of tanks to have integrity testing completed.
28. For the facility identified in response to Item 3 above, state whether each aboveground container is equipped with at least one liquid level sensing device pursuant to §112.8(c)(8). State how the liquid level sensing device is tested to ensure proper operation and provide the date of the last test pursuant to §112.8(c)(8)(v). If any aboveground storage container is not so equipped, identify the container by name/storage capacity.
29. For the facility identified in response to Item 3 above, state whether visible discharges which result in a loss of oil from a container, including but not limited to seams, gaskets, piping, valves, rivets and bolts, are promptly corrected and oil in diked areas is promptly removed pursuant to §112.8(c)(10).
30. For the facility identified in response to Item 3 above, state whether mobile or portable containers are positioned to prevent a discharge as described in §112.1(b). Except for mobile refuelers and non-transportation-related tank trucks, state whether mobile or portable containers have secondary containment with sufficient capacity to contain the largest compartment or container and sufficient freeboard to contain precipitation pursuant to §112.8(c)(11).

31. For the facility identified in response to Item 3 above, provide copies of the last three years of the facility's inspection records, as required by 40 CFR §112.7(e), 40 CFR. §112.8(c)(6) and §112.8(d)(4).
32. For the facility identified in response to Item 3 above, state whether there is buried piping located at the facility. If yes, then provide answers to the following:
- a. date(s) of installation and/or replacement;
 - b. if the date(s) of installation and/or replacement are on or after August 16, 2002, state whether the buried piping has protective wrapping or coating;
 - c. if the date(s) of installation and/or repair are on or after August 16, 2002, state whether the buried piping satisfies the cathodic protection standards for piping in 40 CFR Part 280 or Part 281.
 - d. state whether the buried piping has been exposed for any reason and whether it has been inspected for deterioration, corrosion damage has been examined, and, if corrective action has been taken;
 - e. state whether integrity testing and leak testing have been conducted on buried piping at the time of installation, modification, construction, relocation or replacement; and, if any records are available, please provide them;

Guidance documents pertaining to the EPA's oil pollution prevention regulations and development of SPCC Plans may be obtained by request or from the EPA's Oil Spill Program website, <http://www.epa.gov/oilspill>

STATEMENT OF CERTIFICATION

The following Statement of Certification must be completed by the owner, CEO, president, or other chief official of the company responding to this information request:

STATEMENT OF CERTIFICATION

I certify under the penalty of law, that I have personally examined and am familiar with the information submitted in this document and all attachments and, that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

Signature

Date

Name

Title



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

MAY 31 2016

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Receipt Number: 7014 1200 0000 6124 9483

Steven M. Braithwaite
Registered Agent
Nebraska Railcar Cleaning Services, LLC
115 Hickory Street
Omaha, Nebraska 68108

Dear Mr. Braithwaite:

On or about June 15, 2013, the U.S. Environmental Protection Agency inspected the Nebraska Railcar Cleaning Services facility located at approximately 115 Hickory Street, Omaha, Nebraska. Following that inspection, on or about June 4, 2014, the EPA transmitted a Section 308 Information Request to determine whether the facility had come into compliance with the Spill, Prevention, Control and Countermeasure regulations pursuant to 40 CFR Part 112. The EPA is requesting follow up information about SPCC compliance at Nebraska Railcar Cleaning Services.

Section 311(j) of the Clean Water Act, as amended, requires the EPA to establish regulations to prevent the discharge of oil from onshore facilities. The EPA's SPCC regulations are found at 40 CFR Part 112 and civil penalties for violations of these regulations are governed by Section 311(b)(6)(B) of the CWA, 33 U.S.C. § 1321 (b)(6)(B).

Pursuant to the authority of Sections 308 and 311(m) of the CWA, 33 U.S.C. §§ 1318 and 1321(m), Nebraska Railcar Cleaning Services is required to furnish the information and documents asked for in Enclosure 1 of this letter that are in its possession, custody or control, or in the possession, custody or control of any of its employees or agents, that concern, refer or relate to the SPCC Plan.

The required information must be submitted no later than 14 calendar days after receipt of this letter to:

Mark Aaron
U.S. Environmental Protection Agency
Region 7, AWMD/ CORP/EICS
11201 Renner Boulevard
Lenexa, Kansas 66219

Any request for an extension to the time limit for responding must be in writing to Mr. Mark Aaron and must be made within five calendar days of receipt of this information request.



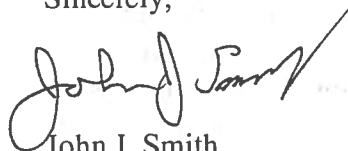
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In accordance with the provisions of 40 CFR §2.203, you may assert a business confidentiality claim covering part or all of the information by clearly identifying it as "confidential" using a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary or company confidential. You should clearly mark as "confidential" any parts of otherwise nonconfidential documents and may submit them separately to help the EPA handle and identify them. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public without further notice.

Please carefully read and follow the instructions in Enclosure 1 (Section A). The information you provide may be used by the EPA in administrative or judicial enforcement proceedings. Furthermore, failure to provide all the information required, or the making of any false material statement or representation in response to this letter, constitute violations of Section 308 of the CWA and may result in an enforcement action and the imposition of civil and/or criminal sanctions pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. This information request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 *et seq.*

If you have any questions, please contact Mr. Mark Aaron at (913) 551-7205, or Ms. Patricia G. Miller, the attorney assigned to this matter, at (913) 551-7283.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Smith", with a long, sweeping horizontal stroke extending to the right.

John J. Smith
Deputy Director
Air & Waste Management Division

Enclosure

ENCLOSURE 1
CLEAN WATER ACT SECTION 308
REQUEST FOR INFORMATION

A. Instructions for Response

When responding, please follow these instructions:

1. Respond to each numbered item in the Requested Information (Section B) separately and identify each answer with the number of the item to which it responds.
2. For each numbered item in the Requested Information, identify all documents consulted, examined or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
3. For each document provided in your response, indicate on the document (or in some similar manner) the number of the item to which it responds.
4. For each numbered item in the Requested Information, identify all persons consulted in the preparation of the answer.
5. If information responsive to a requested item is not in respondent's possession, identify the person(s) from whom the information may be obtained.
6. If information that is not known or available at the time response is made later becomes known or available to respondent, the response must be supplemented.
7. If, at any time after response is submitted, respondent finds that any part of the information submitted is incomplete, false or misrepresents the truth, respondent must notify the EPA immediately.
8. This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, *et seq.*

B. Requested Information:

1. Identify the person(s) answering these questions on behalf of Nebraska Railcar Cleaning Services (hereafter NRCS or facility) including full name, business mailing address, business telephone number and relationship to NRCS.
2. Provide the names, titles, addresses and phone numbers of employees and officials of NRCS who may have knowledge of the matters identified in this information request.
3. For the facility located at 115 Hickory Street, Omaha, Nebraska, state whether a Certification of the Applicability of Substantial Harm Criteria, as found in Appendix C to 40 CFR Part 112, has been completed for the facility. If so, provide a copy of the certification.

4. For the facility NRCS Hickory Street facility, state whether the facility has prepared and fully implemented a Spill Prevention, Control and Countermeasure Plan in accordance with the Oil Pollution Prevention regulations, 40 CFR Part 112. If so, please attach a complete copy of the SPCC Plan to your response to this information request. Specify the date it was first prepared and provide a copy of amendments to the Plan, if any, that became effective within the last five years.

Guidance documents pertaining to the EPA's oil pollution prevention regulations and development of SPCC Plans may be obtained by request or from the EPA's Oil Spill Program website, <http://www.epa.gov/oilspill>

STATEMENT OF CERTIFICATION

The following Statement of Certification must be completed by the owner, CEO, president, or other chief official of the company responding to this information request:

STATEMENT OF CERTIFICATION

I certify under the penalty of law, that I have personally examined and am familiar with the information submitted in this document and all attachments and, that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

Signature

Date

Name

Title



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

DEC - 2 2015

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6125 4777

Jason Freeman
Freeman Oil Company, LLC
PO Box 395
Bloomfield, Nebraska 68718

RE: Request for Information Pursuant to Section 308 of the Clean Water Act

Dear Mr. Freeman:

This letter requests information regarding compliance by the Freeman Oil Company, LLC, in Bloomfield, Nebraska, with requirements of the Spill Prevention, Control and Countermeasures ("SPCC") requirements of the Clean Water Act. A representative from the U.S. Environmental Protection Agency conducted an SPCC inspection of the Freeman Oil facility on January 6, 2015. The inspection was conducted under the authority of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. A copy of the inspection report was sent to you by letter dated January 28, 2015.

The purpose of this letter is to obtain additional information so the EPA can determine the facility's compliance with the SPCC program requirements of the CWA. Section 308(a) of the CWA authorizes the EPA to require the submission of information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.*, including information to determine whether a person is in compliance with the CWA. Under the authority of Section 308(a) of the CWA, the EPA hereby requires you to provide the information requested in the **ENCLOSURE within thirty (30) days of your receipt of this letter.**

Guidance on How to Respond

Please read the instructions included in the ENCLOSURE carefully before preparing your responses to this Information Request.

Important Information about This Request and the Response

Compliance with this information request is mandatory. Please be advised that failure to respond accurately or submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001.

The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. You may assert a business confidentiality claim with respect to part or all of



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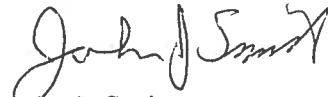
the information submitted to the EPA under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, and the regulations at 40 C.F.R. Part 2, and in the manner described at 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means, of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to you. Please note that effluent information may not be regarded as confidential.

Information submitted pursuant to this Section 308 information request shall be sent in a manner that allows you to track delivery and addressed as follows:

Mark Aaron
U.S. Environmental Protection Agency Region 7
STOP/AWMD
11201 Renner Blvd.
Lenexa, Kansas 66219

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Mr. Mark Aaron, at phone number (913) 551-7205.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Smith", with a stylized flourish at the end.

John J. Smith
Director
Air and Waste Management Division

Enclosure

ENCLOSURE

INFORMATION REQUEST

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a).

I. Instructions

1. Within thirty (30) days of your receipt of this letter, please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
4. If you believe any of the requested information is confidential, you may assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
5. Compliance with this information request is mandatory. Please be advised that failure to respond accurately or submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the CWA for seeking, maintaining, or complying with an applicable NPDES permit.
6. All information should be submitted in a manner that allows you to track delivery, and must be submitted to:

Mark Aaron
U.S. Environmental Protection Agency
STOP/AWMD
11201 Renner Blvd.
Lenexa, Kansas 66219



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

AUG 25 2015

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6125 1141

Mr. Gary Smith
Rex Smith Transportation, Inc.
2321 NW By-Pass
Springfield, Missouri 65803

RE: Post inspection CWA compliance activities

Dear Mr. Smith:

The United States Environmental Protection Agency Region 7 inspected the Rex Smith Oil Company facility at 2320 Northwest Bypass, Springfield, Missouri. A number of compliance concerns were identified and documented in the report provided to you following the inspection. A copy of the inspection report is enclosed for your convenience. The purpose of this correspondence is to obtain information regarding your compliance efforts since the inspection.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of any information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.* The EPA requires additional information to evaluate compliance with the CWA.

Under the authority of Section 308 of the CWA, the EPA hereby requires Rex Smith Transportation, Inc. to provide a copy of the SPCC Plan that is currently implemented (including any updates since the inspection), copies of all documents associated with its implementation, and documentation of any additional secondary containment or control structures that have been constructed since the EPA inspection. With your response, please include the enclosed Statement of Certification.

Within 21 calendar days of your receipt of this request, please submit the information to:

Mark Aaron
U.S. Environmental Protection Agency Region 7
AWMD/STOP
11201 Renner Boulevard
Lenexa, Kansas 66219

Any request for an extension to the time limit for responding must be in writing or via email to Mr. Mark Aaron and must be made within 10 calendar days of your receipt of this information request Mr. Aaron's email address is aaron.mark@epa.gov.



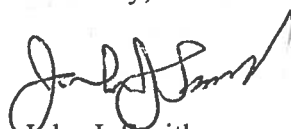
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The information you provide may be used by the EPA in administrative or judicial enforcement proceedings. Furthermore, failure to provide all the information required, or the making of any false material statement or representation in response to this letter, constitute violations of Section 308 of the CWA and may result in an enforcement action and the imposition of civil and/or criminal sanctions pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. This information request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 *et seq.* Please keep in mind that if, at any time after the response is submitted, you become aware that any part of the information submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.

In accordance with the provisions of 40 CFR § 2.203, you may assert a business confidentiality claim covering part or all of the information by clearly identifying it as "confidential" using a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential. You should clearly mark as "confidential" any parts of otherwise non-confidential documents and may submit them separately to help the EPA handle and identify them. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public without further notice.

If you have any questions, please contact Mr. Aaron at (913) 551-7205.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Smith", with a stylized flourish at the end.

John J. Smith
Deputy Director
Air and Waste Management Division

Enclosure

STATEMENT OF CERTIFICATION

The following Statement of Certification must be completed by the owner, CEO, president, or other chief official of the company responding to this information request:

STATEMENT OF CERTIFICATION

I certify under the penalty of law, that I have personally examined and am familiar with the information submitted in this document and all attachments and, that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

Signature

Date

Name

Title



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

JUL 28 2015

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7014 1200 0000 6125 8843

Mr. Dickey Collins, President
Landmark Drilling, LLC
PO Box 162
Medicine Lodge, Kansas 67104

Dear Mr. Collins:

On or about June 9 and 10, 2015, the U.S. Environmental Protection Agency conducted Spill Prevention, Control and Countermeasure compliance inspections at multiple oil leases operated by Black Tea Oil, LLC (Black Tea) that are located along the Smoky Hill River corridor south of Oakley, Kansas. It is EPA's understanding that at the time of the inspections, Black Tea contracted with Landmark Drilling, LLC (Landmark) to drill oil wells on the Fairleigh L and Fairleigh M leases. At the time of the inspections, no Landmark personnel were available on-site to be interviewed and the EPA contacted Landmark via telephone requesting information on the facilities' SPCC Plans. The EPA also spoke with Landmark's safety consultants between June 10 and June 16, to provide SPCC compliance assistance. The EPA is requesting information relevant to SPCC compliance at the Landmark drilling operations located on the Fairleigh L and Fairleigh M leases.

Section 311(j) of the Clean Water Act, as amended, requires the EPA to establish regulations to prevent the discharge of oil from onshore facilities. The EPA's SPCC regulations are found at 40 CFR Part 112.

Pursuant to the authority of Sections 308 and 311(m) of the CWA, 33 U.S.C. §§ 1318 and 1321(m), Landmark Drilling, LLC is required to furnish the information and documents asked for in Enclosure 1 of this letter that are in its possession, custody or control, or in the possession, custody or control of any of its employees or agents, that concern, refer or relate to the implementation of SPCC Plans for the referenced Fairleigh drilling operations.

The required information must be submitted no later than 30 calendar days after receipt of this letter to:

Mark Aaron
U.S. Environmental Protection Agency, Region 7
AWMD/STOP
11201 Renner Boulevard
Lenexa, Kansas 66219

Any request for an extension to the time limit for responding must be made in writing to Mr. Aaron, and must be made within five calendar days of receipt of this information request. In accordance with the



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provisions of 40 CFR § 2.203, you may assert a business confidentiality claim covering part or all of the information by clearly identifying it as "confidential" using a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary or company confidential. You should clearly mark as "confidential" any parts of otherwise non-confidential documents and may submit them separately to help the EPA handle and identify them. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public without further notice.

Please carefully read and follow the instructions in Enclosure 1 (Section A). The information you provide may be used by the EPA in administrative or judicial enforcement proceedings. Furthermore, failure to provide all the information required without an appropriate explanation, or the making of any false material statement or representation in response to this letter, constitute violations of Section 308 of the CWA and may result in an enforcement action and the imposition of civil and/or criminal sanctions pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. This information request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 *et seq.*

If you have any questions, please contact Mr. Mark Aaron at (913) 551-7205 or Ms. Sara Hertz-Wu, the attorney assigned to this matter at (913) 551-7316.

Sincerely,



John J. Smith
Deputy Director
Air & Waste Management Division

Enclosures

ENCLOSURE 1
CLEAN WATER ACT SECTION 308
REQUEST FOR INFORMATION

A. Instructions for Response

When responding, please follow these instructions:

1. Respond to each numbered item in the enclosed Request for Information (Request) separately and identify each answer with the number of the item to which it responds.
2. For each numbered item in the Request, identify all documents consulted, examined or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, then you must still provide the information.)
3. For each document provided in your response, indicate on the document (or in some similar manner) the number of the item to which it responds.
4. For each numbered item, identify all persons consulted in the preparation of the answer.
5. If information responsive to a requested item is not in respondent's possession, identify the person(s) from whom the information may be obtained.
6. If information that is not known or available at the time response is made later becomes known or available to respondent, then the response must be supplemented.
7. If, at any time after response is submitted, the respondent finds that any part of the information submitted is incomplete, false or misrepresents the truth, then the respondent must notify the EPA immediately.
8. This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, *et seq.*

B. Requested Information:

Requested Respondent Information

1. Identify the person(s) answering these questions on behalf of Landmark Drilling, LLC, including the person(s) full name, business mailing address, business telephone number and relationship to the facility.
2. Provide the names titles, addresses and phone numbers of employees and officials of Landmark Drilling, LLC, who may have knowledge of the facts surrounding the events identified in cover letter.

Requested Spill Prevention, Control and Countermeasure Plan Information

3. State whether Landmark Drilling, LLC has prepared a mobile SPCC Plan in accordance with the Oil Pollution Prevention regulations, 40 CFR Part 112. If so, please attach a complete copy of the SPCC Plan to your response to this information request. Specify the date it was first prepared and provide a copy of amendments to the Plan, if any, that became effective within the last five years.
4. If a SPCC Plan has been prepared, state whether the Plan has been fully implemented.
5. For the mobile production facility located at the Fairleigh L Lease, describe the type (materials of construction, single-walled or double-walled), storage capacity, contents, date of installation of each tank, appurtenance (including piping, valves, pumps, and transfer and dispensing devices), container or other equipment, including oil filled operational equipment (such as generators and/or engines), at the facility which contains or has the capacity to contain oil or oil products in excess of 55 gallons.
6. For the mobile production facility located at the Fairleigh M Lease, describe the type (materials of construction, single-walled or double-walled), storage capacity, contents, date of installation of each tank, appurtenance (including piping, valves, pumps, and transfer and dispensing devices), container or other equipment, including oil filled operational equipment (such as generators and/or engines), at the facility which contains or has the capacity to contain oil or oil products in excess of 55 gallons.
7. Provide the dates that the mobile facility is/was located on the Fairleigh L Lease.
8. Provide the dates that the mobile facility is/was located on the Fairleigh M Lease.
9. State whether general secondary containment, as described in 40 CFR §112.7(c), is provided for the mobile production facility located on the Fairleigh L Lease. If general containment is provided, then describe the general containment system or the equivalent provided.
10. State whether general secondary containment is provided, as described in 40 CFR §112.7(c), for the mobile production facility located on the Fairleigh M Lease. If general containment is provided, then describe the general containment system or the equivalent provided.
11. For the mobile production facility located on the Fairleigh L Lease, state whether mobile drilling or work-over equipment is positioned or located to prevent a discharge as described in 40 CFR §112.1(b).
12. For the mobile production facility located on the Fairleigh M Lease, state whether mobile drilling or work-over equipment is positioned or located to prevent a discharge as described in 40 CFR §112.1(b).
13. For the mobile production facility located on the Fairleigh L Lease, state whether catchment basins or diversion structures are provided to intercept and contain discharges of fuel, crude oil or oily drilling fluids.

14. For the mobile production facility located on the Fairleigh M Lease, state whether catchment basins or diversion structures are provided to intercept and contain discharges of fuel, crude oil, or oily drilling fluids.
15. For the mobile production facility located on the Fairleigh L Lease, state whether a blowout prevention assembly and well control system have been installed before drilling below any casing string or during work-over operations.
16. For the mobile production facility located on the Fairleigh M Lease, state whether a (BOP) assembly and well control system have been installed before drilling below any casing string or during work-over operations.
17. For the mobile production facility located on the Fairleigh L Lease, state whether a BOP assembly and well control system is capable of controlling any well-head pressure that may be encountered while on the well.
18. For the mobile production facility located on the Fairleigh M Lease, state whether a BOP assembly and well control system is capable of controlling any well-head pressure that may be encountered while on the well.

STATEMENT OF CERTIFICATION

The following Statement of Certification must be completed by the owner, CEO, president, or other chief official of the company responding to this information request:

STATEMENT OF CERTIFICATION

I certify under the penalty of law, that I have personally examined and am familiar with the information submitted in this document and all attachments and, that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

Signature

Date

Name

Title



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

JUL 28 2015

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number(s): 7014 1200 0000 6125 8850
7014 1200 0000 6125 8867
7014 1200 0000 6125 8874

Mr. Christopher C. Leiker
Registered Agent
Black Tea Oil, LLC
2736 Colonial, Apt. D-4
Hays, Kansas 67601

Mr. Christopher C. Leiker
Black Tea Oil, LLC
1014 East 29th Street
Hays, Kansas 67601

Dear Mr. Leiker:

On or about June 10, 2015, the U.S. Environmental Protection Agency conducted Spill Prevention, Control and Countermeasure compliance inspections at the Fairleigh L and Fairleigh M leases owned and/or operated by Black Tea Oil, LLC (Black Tea) that are located along the Smoky Hill River corridor south of Oakley, Kansas. It is EPA's understanding that at the time of the inspections, Black Tea contracted with Landmark Drilling, LLC (Landmark) to drill oil wells on the Fairleigh L and Fairleigh M leases. The EPA is requesting information relevant to SPCC compliance at the Landmark drilling operations located on the Fairleigh L and Fairleigh M leases.

Sections 311(b)(3) and 311(j) of the Clean Water Act, as amended, 33 U.S.C. §§ 1321(b)(3) and (j), require the EPA to establish regulations to prevent the discharge of oil from onshore facilities. The EPA's regulations defining discharges of oil are found at 40 CFR Part 110. The EPA's SPCC regulations are found at 40 CFR Part 112.

Pursuant to the authority of Sections 308 and 311(m) of the CWA, 33 U.S.C. §§1318 and 1321(m), Black Tea Oil, LLC is required to furnish the information and documents asked for in Enclosure 1 of this letter that are in its possession, custody or control, or in the possession, custody or control of any of its employees or agents, that concern, refer or relate to the actual and/or threatened "discharge" of oil or hazardous substance, as defined in Section 311(a)(2) of the CWA, 33 U.S.C. §1321(a)(7), which is also a "pollutant" as defined in Section 502(6) of the CWA, 33 U.S.C. §1365(6) or relate to the implementation of a Spill Prevention, Control and Countermeasure Plan (SPCC Plan, or Plan).



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The required information must be submitted no later than 30 calendar days after receipt of this letter to:

Mark Aaron
Storage Tanks & Oil Pollution Branch
Air & Waste Management Division
US EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

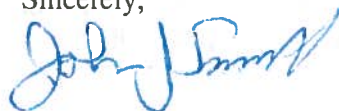
Any request for an extension to the time limit for responding must be in writing to Mark Aaron and must be made within five calendar days of receipt of this information request.

In accordance with the provisions of 40 CFR §2.203, you may assert a business confidentiality claim covering part or all of the information by clearly identifying it as "confidential" using a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary or company confidential. You should clearly mark as "confidential" any parts of otherwise non-confidential documents and may submit them separately to help the EPA handle and identify them. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public without further notice.

Please carefully read and follow the instructions in Enclosure 1 (Section A). The information you provide may be used by the EPA in administrative or judicial enforcement proceedings. Furthermore, failure to provide all the information required, or the making of any false material statement or representation in response to this letter, constitute violations of Section 308 of the CWA and may result in an enforcement action and the imposition of civil and/or criminal sanctions pursuant to Section 309 of the CWA, 33 U.S.C. §1319. A false assertion that a release into the environment did not occur is subject to criminal sanctions under 18 U.S.C. §1001. This information request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§3501 *et seq.*

If you have any questions, please contact Mr. Mark Aaron at (913) 551-7205, or Ms. Sara Hertz Wu, the attorney assigned to this matter, at (913) 551-7316.

Sincerely,



John J. Smith
Deputy Director
Air & Waste Management Division

Enclosures

cc: Mr. Chris Steincamp
DGR&M, LC
8301 East 21st Street North, Suite 450
Wichita, Kansas 67206-2936

ENCLOSURE 1
CLEAN WATER ACT SECTION 308
REQUEST FOR INFORMATION

A. Instructions for Response

When responding, please follow these instructions:

1. Respond to each numbered item in the attached Request for Information (Request) separately and identify each answer with the number of the item to which it responds.
2. For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
3. For each document provided in your response, indicate on the document (or in some similar manner) the number of the item to which it responds.
4. For each numbered item, identify all persons consulted in the preparation of the answer.
5. If information responsive to a requested item is not in respondent's possession, identify the person(s) from whom the information may be obtained.
6. If information that is not known or available at the time response is made but later becomes known or available to respondent, the response must be supplemented.
7. If, at any time after response is submitted, respondent finds that any part of the information submitted is incomplete, false or misrepresents the truth, respondent must notify the EPA immediately.
8. This information request is subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, *et seq.*

B. Requested Information

Requested Respondent Information

1. Identify the person(s) answering these questions on behalf of Black Tea Oil, LLC (owner/operator, facility), including full name, business mailing address, business telephone number, electronic mail address and relationship to the company.
2. Provide the names, titles, addresses and phone numbers of employees and officials of Black Tea Oil, LLC, who may have knowledge of the facts surrounding the events identified in the cover letter.

Requested Spill Prevention, Control and Countermeasure Plan Information for the following leases: Fairleigh L and Fairleigh M.

3. For each facility, state whether mobile or portable containers are positioned to prevent a discharge as described in §112.1(b). State whether mobile or portable containers have secondary containment with sufficient capacity to contain the largest compartment or contain and sufficient freeboard to contain precipitation.
4. For each facility, state whether mobile drilling or work-over equipment is positioned or located to prevent a discharge as described in §112.1(b).
5. For each facility, state whether catchment basins or diversion structures are provided to intercept and contain discharges of fuel, crude oil or oily drilling fluids.
6. For each facility, state whether a blowout prevention assembly and well control system is installed before drilling below any casing string or during work-over operations.
7. For each facility, state whether the blowout prevention assembly and well control system is capable of controlling any well-head pressure that may be encountered while on the well.

Guidance documents pertaining to the EPA's oil pollution prevention regulations and development of SPCC Plans may be obtained by request or from the EPA's Oil Spill Program website, <http://epa.gov/oilspill>.

STATEMENT OF CERTIFICATION

The following Statement of Certification must be completed by the owner, CEO, president, or other chief official of the company responding to this information request:

STATEMENT OF CERTIFICATION

I certify under the penalty of law, that I have personally examined and am familiar with the information submitted in this document and all attachments and, that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

Signature

Date

Name

Title



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

87 MAY 2015

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6123 5851

Christopher C. Leiker
Registered Agent
Black Tea Oil, LLC
2736 Colonial, Apt. D-4
Hays, Kansas 67601

and

Christopher C. Leiker
Black Tea Oil, LLC
1014 East 29th Street
Hays, Kansas 67601

Dear Mr. Leiker:

The U.S. Environmental Protection Agency is requesting information concerning a discharge of "oil" or "hazardous substance" as those terms are defined in Section 311(a) of the Clean Water Act, 33 U.S.C. §1321(a), and "pollutant" as defined in Section 502(6) of the CWA, 33 U.S.C. §1365(6). The Kansas Corporation Commission and the U.S. Army Corps of Engineers have provided information to the EPA that Black Tea Oil, LLC discharged or threatened to discharge oil or a hazardous substance into waters of the United States or adjoining shorelines from its facilities as described in the table below:

Date	Material/Quantity	Source/Cause	Location	Waterway	Spill Report or Incident Number
12/19/2014	Oil, 1 barrel	Frac Storage Tank	Krebs Lease, S25 T14S R33W, Logan County, KS	Smoky Hill River	NRC 1108357
05/03/2015	Produced water, 40 barrels Crude oil, 4 barrels	Float stuck, ran tank over	Free B SWD, NE 1/4 S22 T13 R3, Logan County KS	Smoky Hill River	KCC spill report dated 05/03/2015
Unknown	Crude oil, unknown	Well head	Krebs B	Smoky Hill River	Not reported
Unknown	Produced water, unknown	Well head, and/or surface impoundment	Krebs B4	Smoky Hill River	Not reported

The Kansas Corporation Commission has provided information to the EPA regarding the following oil production leases owned and/or operated by Black Tea Oil, LLC that have threatened to discharge oil or a hazardous substance into waters of the United States or adjoining shorelines including the: McGuire, Pahls, Farleigh, Krebs,



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Free, Ellis, DFK, Hibbert, and Rose Trust facilities (see Attachment 2 for a listing of tank battery and/or well head locations associated with specific leases).

Sections 311(b)(3) and 311(j) of the CWA, as amended, 33 U.S.C. §§ 1321(b)(3) and (j), require the EPA to establish regulations to prevent the discharge of oil from onshore facilities. The EPA's regulations defining discharges of oil are found at 40 C.F.R. Part 110. The EPA's SPCC regulations are found at 40 C.F.R. Part 112.

Pursuant to the authority of Sections 308 and 311(m) of the CWA, 33 U.S.C. §§1318 and 1321(m), Black Tea Oil, LLC is required to furnish the information and documents asked for in Attachment 1 of this letter that are in its possession, custody or control, or in the possession, custody or control of any of its employees or agents, that concern, refer or relate to the actual and/or threatened "discharge" of oil or hazardous substance, as defined in Section 311(a)(2) of the CWA, 33 U.S.C. §1321(a)(7), which is also a "pollutant" as defined in Section 502(6) of the CWA, 33 U.S.C. §1365(6) or relate to the implementation of a Spill Prevention, Control and Countermeasure Plan (SPCC Plan, or Plan).

The required information must be submitted no later than thirty (30) calendar days after receipt of this letter to:

Mark Aaron
Storage Tanks & Oil Pollution Branch
Air & Waste Management Division
US EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

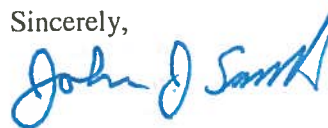
Any request for an extension to the time limit for responding must be in writing to Mark Aaron and must be made within five (5) calendar days of receipt of this information request.

In accordance with the provisions of 40 C.F.R. §2.203, you may assert a business confidentiality claim covering part or all of the information by clearly identifying it as "confidential" using a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential. You should clearly mark as "confidential" any parts of otherwise non-confidential documents and may submit them separately to help the EPA handle and identify them. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public without further notice.

Please carefully read and follow the instructions in Attachment 1 (Section A). The information you provide may be used by the EPA in administrative or judicial enforcement proceedings. Furthermore, failure to provide all the information required, or the making of any false material statement or representation in response to this letter, constitute violations of Section 308 of the CWA and may result in an enforcement action and the imposition of civil and/or criminal sanctions pursuant to Section 309 of the CWA, 33 U.S.C. §1319. A false assertion that a release into the environment, described in the table above, did not occur is subject to criminal sanctions under 18 U.S.C. §1001. This information request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§3501 *et seq.*

If you have any questions, please contact Mr. Mark Aaron at (913) 551-7205, or Ms. Sara Hertz Wu, the attorney assigned to this matter, at (913) 551-7316.

Sincerely,



for

John Smith
Deputy Director
Air and Waste Management Division

Attachments

ATTACHMENT 1
CLEAN WATER ACT SECTION 308
REQUEST FOR INFORMATION

A. Instructions for Response

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8. This information request is subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, *et seq.*

B. Requested Information

Requested Respondent Information

1. Identify the person(s) answering these questions on behalf of Black Tea Oil, LLC (operator, facility), including full name, business mailing address, business telephone number, electronic mail address and relationship to the company.
2. Provide the names, titles, addresses, and phone numbers of employees and officials of Black Tea Oil, LLC who may have knowledge of the facts surrounding the events identified in the cover letter.

Requested Discharge Information for the December 19, 2014, spill/discharge event at the Krebs Lease

3. Identify and describe the specific equipment (specific tank, workover rig, production wellhead, valve, gathering line, and all materials of construction) that was the source of the December 19, 2014, discharge.
4. Provide the amount of oil and other materials released from equipment identified in response to Item 3, above, in gallons.
5. Provide an explanation of the basis of the calculated discharge amount(s) provided in response to Item 4, above.
6. Provide the percentage or quantity of released or spilled materials that was physically removed from waters of the United States and adjoining shorelines.
7. State the exact time and date the December 19, 2014, spill or discharge began, when it was discovered, and who discovered it.
8. State how long the discharged material(s) remained in the waterway (unnamed tributary, Smoky Hill River), as well as on the adjacent shoreline or banks.
9. State when the cleanup operations of the December 19, 2014 discharge were complete.
10. Describe the location of the spill site and provide a site location map that shows all nearby roads, including access roads for operations of the lease within the leased property.
11. Provide the name, address, and telephone number for each person that owned, operated, or was in charge of the facility from which the discharge originated. If the discharge occurred on leased property, provide the name of the lease and property owner(s).
12. Provide a drawing or sketch of the spill site showing the extent of the migration of the discharge and the location of the waterways impacted by materials spilled or discharged.
13. Provide copies of photographs of the December 19, 2014, spill/discharge and the spill site both before and after any of the cleanup of the spill/discharge.
14. Provide copies of all notices and documentation related to the December 19, 2014, discharge that were submitted to any local, state, or federal authorities.
15. Identify by date and quantity of oil discharged, the company's involvement with any discharge of oil and other materials that reached any water of the United States within the past (5) years.

Requested Discharge Information for the May 3, 2015, spill/discharge event at the Free B SWD Lease

16. Identify and describe the specific equipment (specific tank, workover rig, production wellhead, valve, gathering line, and all materials of construction) that was the source of the May 3, 2015, discharge.

17. Provide the amount of oil and other materials released from equipment identified in response to Item 17, above, in gallons.
18. Provide an explanation of the basis of the calculated discharge amount(s) provided in response to Item 18, above.
19. Provide the percentage or quantity of released or spilled materials that was physically removed from waters of the United States and adjoining shorelines.
20. State the exact time and date the May 3, 2015, spill or discharge began, when it was discovered, and who discovered it.
21. State how long the discharged material(s) remained in the waterway (unnamed tributary, Smoky Hill River), as well as on the adjacent shoreline or banks.
22. State when the cleanup operations of the May 3, 2015, discharge were complete.
23. Describe the location of the spill site and provide a site location map that shows all nearby roads, including access roads for operations of the lease within the leased property.
24. Provide the name, address, and telephone number for each person that owned, operated, or was in charge of the facility from which the discharge originated. If the discharge occurred on leased property, provide the name of the lease and property owner(s).
25. Provide a drawing or sketch of the spill site showing the extent of the migration of the discharge and the location of the waterways impacted by materials spilled or discharged.
26. Provide copies of photographs of the May 3, 2015, spill/discharge and the spill site both before and after any of the cleanup of the spill/discharge.
27. Provide copies of all notices and documentation related to the May 3, 2015, discharge that were submitted to any local, state, or federal authorities.

Requested Discharge Information for the unreported spill/discharge event at the Krebs B Lease

28. Identify and describe the specific equipment (specific tank, workover rig, production wellhead, valve, gathering line, and all materials of construction) that was the source of the unreported discharge.
29. Provide the amount of oil and other materials released from equipment identified in response to Item 31, above, in gallons.
30. Provide an explanation of the basis of the calculated discharge amount(s) provided in response to Item 32, above.
31. Provide the percentage or quantity of released or spilled materials that was physically removed from waters of the United States and adjoining shorelines.

32. State the exact time and date the unreported spill or discharge began, when it was discovered, and who discovered it.
33. State how long the discharged material(s) remained in the waterway (unnamed tributary, Smoky Hill River), as well as on the adjacent shoreline or banks.
34. State when the cleanup operations of the unreported discharge were complete.
35. Describe the location of the spill site and provide a site location map that shows all nearby roads, including access roads for operations of the lease within the leased property.
36. Provide the name, address, and telephone number for each person that owned, operated, or was in charge of the facility from which the discharge originated. If the discharge occurred on leased property, provide the name of the lease and property owner(s).
37. Provide a drawing or sketch of the spill site showing the extent of the migration of the discharge and the location of the waterways impacted by materials spilled or discharged.
38. Provide copies of photographs of the unreported spill/discharge and the spill site both before and after any of the cleanup of the spill/discharge.
39. Provide copies of all notices and documentation related to the unreported discharge that were submitted to any local, state, or federal authorities.

Requested Discharge Information for the unreported spill/discharge event at the Krebs B4 Lease

40. Identify and describe the specific equipment (specific tank, workover rig, production wellhead, valve, gathering line, and all materials of construction) that was the source of the unreported discharge.
41. Provide the amount of oil and other materials released from equipment identified in response to Item 45, above, in gallons.
42. Provide an explanation of the basis of the calculated discharge amount(s) provided in response to Item 46, above.
43. Provide the percentage or quantity of released or spilled materials that was physically removed from waters of the United States and adjoining shorelines.
44. State the exact time and date the unreported spill or discharge began, when it was discovered, and who discovered it.
45. State how long the discharged material(s) remained in the waterway (unnamed tributary, Smoky Hill River), as well as on the adjacent shoreline or banks.
46. State when the cleanup operations of the unreported discharge were complete.
47. Describe the location of the spill site and provide a site location map that shows all nearby roads, including access roads for operations of the lease within the leased property.

48. Provide the name, address, and telephone number for each person that owned, operated, or was in charge of the facility from which the discharge originated. If the discharge occurred on leased property, provide the name of the lease and property owner(s).
49. Provide a drawing or sketch of the spill site showing the extent of the migration of the discharge and the location of the waterways impacted by materials spilled or discharged.
50. Provide copies of photographs of the unreported spill/discharge and the spill site both before and after any of the cleanup of the spill/discharge.
51. Provide copies of all notices and documentation related to the unreported discharge that were submitted to any local, state, or federal authorities.

Requested Spill Prevention, Control and Countermeasure Plan Information for the following leases: McGuire, Pahls, Fairleigh, Krebs, Free, Ellis, DFK, Hibbert, and Rose Trust.

52. For each facility listed in Attachment 2, provide the total aboveground storage capacity, in gallons, of the facility.
53. For each facility listed above, in Attachment 2, state whether the facility stores oil, produced water, or other oil products aboveground in excess of 1320 gallons of total aggregate capacity.
54. For each facility listed in Attachment 2, describe the type of tank, construction, configuration, capacity, contents, age, and date of installation of each tank, appurtenance (including piping, valves, pumps, and transfer and dispensing devices), container, tank truck, or other equipment, including oil-filled operational equipment (such as generators, gensets, and/or engines) at the facility which contains or has the capacity to contain oil or oil products in excess of fifty-five (55) gallons.
55. For each facility listed in Attachment 2, provide the date the facility began operations.
56. For each facility listed in Attachment 2, state whether a Certification of the Applicability of the Substantial Harm Criteria, as found in Appendix C to 40 C.F.R. Part 112, has been completed for the facility. If so, provide a copy of the certification.
57. For each facility listed in Attachment 2, state whether the facility has prepared a Spill Prevention, Control and Countermeasure Plan (SPCC Plan, or Plan) in accordance with the Oil Pollution Prevention regulations, 40 C.F.R. Part 112. If so, attach a complete copy of the SPCC Plan to your response to this Request. Specify the date the Plan was first prepared and provide a copy of amendments to the Plan, if any, which became effective within the last five years.
58. For each facility listed in Attachment 2, state whether appropriate containment and/or diversionary structures or equipment are provided to prevent a discharge of oil as described in 40 C.F.R. §112.1(b). State whether the entire containment system, including walls and floors, are capable of containing oil and are constructed to prevent escape of a discharge from the containment system before cleanup occurs.
59. For each facility listed in Attachment 2, identify which of the following are present at the facility and if appropriate containment and/or diversionary structures or equipment are provided:

bulk storage containers; mobile/portable containers; oil-filled operational equipment (as defined in §112.2); piping and related appurtenances; mobile refuelers or non-transportation related tanks; transfer areas and/or loading/unloading areas, equipment and activities; identify any other equipment or activities that are not already listed.

60. For each facility listed in Attachment 2, state whether a loading/unloading rack is present at the facility. If so, describe the drainage flow and the containment system for the facility.
61. For each facility listed in Attachment 2, for diked areas of aboveground storage of oil, describe whether the drainage from diked storage areas is restrained by valves or if a system is designed to control such a discharge; or, is drainage from diked storage areas controlled by a manually activated pump or ejector and is the condition of the accumulation inspected prior to draining the dike to ensure no oil will be discharged.
62. For each facility listed in Attachment 2, for diked areas of aboveground storage of oil, describe whether the drain valves are of manual, open-and-closed design. If drainage is released directly to a watercourse, describe whether retained stormwater is inspected and discharged pursuant to §§112.8(c)(3)(ii),(iii) and (iv).
63. For each facility listed in Attachment 2, for undiked areas of aboveground storage of oil with potential for discharge, describe whether drainage is designed to flow into ponds, lagoons, or catchment basins to retain oil or return it to the facility. If a catchment basin is provided, state whether it is located away from a flood area.
64. For each facility listed in Attachment 2, if the facility drainage is not engineered as described in Question 63, describe whether the facility is equipped with a diversion system to retain oil in the event of an uncontrolled discharge.
65. For each facility listed in Attachment 2, state whether the bulk storage tanks contain oils; and if so are the containers, materials, and construction compatible with the materials and conditions of storage.
66. For each facility listed in Attachment 2, state whether the facility has a procedure for and conducts periodic visual inspections of containers, foundations, and supports for deteriorations and maintenance needs. If inspection records are kept by the facility operator, provide copies of the last three years of records.
67. For each facility listed in Attachment 2, state whether the facility has a procedure for and conducts scheduled periodic visual inspections of valves and pipelines to assess their general condition, including such items as flange joints, valve glands and valve bodies, drip pans, pipeline supports, bleeder and gauge valves, polish rods and stuffing boxes. If inspection records are kept by the facility operator, provide copies of the last three years of records.
68. For each facility listed in Attachment 2, state whether the following are present at the tank battery: adequate tank capacity to prevent tank overflow; overflow equalizing lines between the tanks; vacuum protection to prevent tank collapse; high level alarms to generate and transmit an alarm signal where facilities are part of a computer control system.

69. For each facility listed in Attachment 2, state the average daily oil production for the facility in barrels.
70. For each facility listed in Attachment 2, state the average daily produced water production for the facility in barrels.
71. For each facility listed in Attachment 2, state whether the facility has a flowline maintenance program and provide a copy of the program procedures. If inspection records are kept by the facility, provide copies of the last three years of records.
72. For each facility listed in Attachment 2, state whether the facility has implemented a Contingency Plan pursuant to 40 C.F.R. Part 109, and if so, provide a copy of the Contingency Plan.
73. For each facility listed in Attachment 2, state whether the bulk storage tank installations have been constructed with secondary containment to hold the capacity of the largest container plus sufficient freeboard for precipitation.
74. For each facility listed in Attachment 2, provide secondary containment calculations for all diked areas of aboveground storage of oil.
75. For each facility listed in Attachment 2, state whether the diked areas are sufficiently impervious to contain discharged oil; or, if any discharge to a drainage trench system will be safely confined in a facility catchment basin or holding pond.
76. For each facility listed in Attachment 2, state whether there is drainage of uncontaminated rainwater from diked areas to a watercourse.
77. For each facility listed in Attachment 2, state whether visible discharges which result in a loss of oil from a container are promptly corrected and oil in diked areas is promptly removed.
78. For each facility listed in Attachment 2, state whether mobile or portable containers are positioned to prevent a discharge as described in §112.1(b). State whether mobile or portable containers have secondary containment with sufficient capacity to contain the largest compartment or contain and sufficient freeboard to container precipitation.
79. For each facility listed in Attachment 2, state whether mobile drilling or workover equipment is positioned or located to prevent a discharge as described in §112.1(b).
80. For each facility listed in Attachment 2, state whether catchment basins or diversion structures are provided to intercept and contain discharges of fuel, crude oil, or oily drilling fluids.
81. For each facility listed in Attachment 2, state whether catchment basins or diversion structures are provided to store fuel, crude oil, or oily drilling fluids, and provide the contents and quantities stored for each.
82. For each facility listed in Attachment 2, state whether a blowout prevention assembly and well control system is installed before drilling below any casing string or during workover operations.

83. For each facility listed in Attachment 2, state whether the blowout prevention assembly and well control system is capable of controlling any well-head pressure that may be encountered while on the well.

Guidance documents pertaining to the EPA's oil pollution prevention regulations and development of SPCC Plans may be obtained by request or from the EPA's Oil Spill Program website, <http://epa.gov/oilspill>

**ATTACHMENT 2
CLEAN WATER ACT SECTION 308
REQUEST FOR INFORMATION**

Lease Name operated by Black Tea Oil, LLC	Well Head and/or associated Tank Battery Location (approximate Latitude/Longitude)
Ellis	38.82242, -100.85381
Rose Trust	38.78617, 100.90619
Hibbert B	38.80513, -100.86103
Hibbert A	38.80510, -100.86078
DFK	38.78606, -100.86105
Krebs H	38.80516, -100.86160
Krebs B	38.80556, -100.86143
Krebs G	38.80556, -100.86143
Krebs O	38.80514, -100.86145
Krebs A	38.79963, -100.86610
Krebs M SWD	38.80368, -100.86059
Krebs Z	38.78601, -100.86078
Fairleigh A2	Unknown
Fairleigh D2	Unknown
Free B	38.91195, -101.08173
Krebs M	38.80715, -100.86012
Krebs B1	38.80685, -100.88989
Krebs B4	38.80427, -100.88814
Krebs N3	38.80688, -100.87251
Krebs P1	38.80558, -100.89561
McGuire B1	38.82038, -100.91787
Pahls	38.90853, -101.11883

STATEMENT OF CERTIFICATION

The following Statement of Certification must be completed by the owner, CEO, president, or other chief official of the company responding to this information request:

STATEMENT OF CERTIFICATION

I certify under the penalty of law, that I have personally examined and am familiar with the information submitted in this document and all attachments and, that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

Signature

Date

Name

Title



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

FEB 18 2014

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

CT Corporation System
Registered Agent, Nebraska Energy, LLC
Suite 300
6003 Old Cheney Road
Lincoln, Nebraska 68516

Re: Request for Information Pursuant to Section 308 of the Clean Water Act
Nebraska Energy, LLC, Aurora, Nebraska

Dear Sir or Madame:

**Request for Information
-Prompt Attention Required-**

The U.S. Environmental Protection Agency is seeking information concerning compliance with Section 311(a) of the Clean Water Act, 33 U.S.C. § 1321(a). Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to collect information for the purpose of carrying out the objectives of the CWA, including, but not limited to, determining the compliance of a facility with requirements of a National Pollutant Discharge Elimination System Permit issued under Section 402 of the CWA, 33 U.S.C. § 1342 and determining compliance with the Oil Pollution Act and specifically, the regulations found at 40 C.F.R. Part 112. Accordingly, Nebraska Energy, LLC is requested to respond to this Information Request within thirty (30) calendar days of your receipt of this letter.

Providing the information specified in the enclosed Information Request (Enclosures 1 and 2) is mandatory. Failure to respond fully and truthfully to this Information Request within thirty (30) days of receipt of this letter may result in enforcement action by the agency pursuant to Section 309 of the CWA, 33 U.S.C. § 1319, which authorizes the United States to seek penalties from a federal court of up to \$37,500 per day for each day of continued non-compliance. "Non-compliance" is considered by the agency to be not only failure to respond to the questions, but also failure to respond completely and truthfully to each question.

The Information Request is not subject to approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Part 35.

The required information must be submitted no later than 30 calendar days after receipt of this letter to:

Mark Aaron
AWMD/STOP
U.S. Environmental Protection Agency
11201 Renner Boulevard
Lenexa, Kansas 66219.

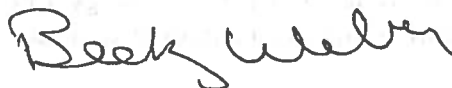
In accordance with the provisions of 40 C.F.R. § 2.203, you may assert a business confidentiality claim covering part or all of the information by clearly identifying it as "confidential" using a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the agency. If no such claim accompanies the information when it is received by the agency, it may be made available to the public without further notice. The final determination regarding this material will be made by the agency pursuant to the regulations found in 40 C.F.R. § 2.204.

Please carefully read and follow the instructions contained in Enclosures 1 and 2. The information provided by your company may be used by the agency in administrative and/or judicial enforcement proceedings. Furthermore, failure to provide all of the information required (without explaining adequately the basis for such failure), or the making of any false material statement or representation in response to this letter, constitute violations of Section 308 of the CWA and may result in an enforcement action and the imposition of civil and/or criminal penalties or fines pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.

A Statement of Certification that must be completed by the owner, CEO, president, or other chief official of the facility is enclosed.

Should you have any questions or require more than 30 days to respond to this Information Request, please call Mark Aaron at (913) 551-7205.

Sincerely,



Becky Weber
Director
Air and Waste Management Division

Enclosures

Enclosure 1

Information Request
Pursuant to Sections 311(m) and 308 of the Clean Water Act

INSTRUCTIONS

Each of the following instructions apply to all of the enclosed Information Request items:

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Address each item separately and precede each answer with the number of the Information Request to which it corresponds.
3. For each item, identify all persons consulted in the preparation of the answer.
4. In answering each Information Request, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents.
5. If information not known or not available to Nebraska Energy, L.L.C. as of the date of submission of its response should later become known or available, Nebraska Energy, L.L.C. must supplement its response to EPA.
6. Should Nebraska Energy, L.L.C. find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, it must notify EPA immediately.
7. You must respond to the Information Requests on the basis of all information and documents in your possession, custody or control, or in the possession, custody or control of your former or current employees, agents, servants, contractors, or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.

DEFINITIONS

For the purpose of the Instructions and Information Requests set forth herein, the following definitions shall apply:

1. The term "you" shall mean the addressee of the Information Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. The term "facility" shall mean: the Nebraska Energy, L.L.C. ethanol plant located in Aurora, Nebraska and the facility known as "Aurora-West" in Aurora, Nebraska. It includes all tanks, gathering lines, pipelines, wells and other equipment related to oil production, storage or distribution operated by you in the vicinity of this facility.
4. The term "oil" shall have the same definition as that contained in Section 311(a)(1) of the CWA, 33 U.S.C. § 1321(a)(1).
5. The term "hazardous substances" shall have the same definition as that contained in Section 311(a)(14) of the CWA, 33 U.S.C. § 1321(a)(14), including the substances listed in 40 C.F.R. Part 116.
6. The terms "furnish," "describe," "provide," or "indicate" shall mean turning over to EPA either original or duplicate copies of the requested information in your possession, custody, or control. Where specific information has not been memorialized in any document but is nonetheless responsive to an Information Request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.
7. The term "identify" means, with respect to a natural person, to set forth his or her full name, present or last known business address, the name of his or her employer and a description of the job responsibilities of such person.
8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressee and/or recipient, and the substance of the subject matter.

10. The term "discharge" shall have the same definition as that contained in Section 311(a)(2) of the CWA, 33 U.S.C. § 1321(a)(2), which includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

11. As used here, the terms "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (included by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memoranda of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any documents, and (e) every document referred to in any other document.

12. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Information Request any information which might otherwise be construed to be outside their scope.

Enclosure 2

INFORMATION REQUEST

Pursuant to the authority of Sections 308 and 311(m) of the CWA, 33 U.S.C. § 1318(a) and § 1321(m), you are required to provide your responses to the information requested in conformance with the instructions and definitions set forth in Enclosure 1.

1. Identify the person(s) answering these questions on behalf of Nebraska Energy, L.L.C., its affiliates and other related entities, including full name, business mailing address, business telephone number, and relationship to Nebraska Energy, L.L.C.
2. State the full and correct name of Nebraska Energy, L.L.C., its address, its current line(s) of business, and its Dun & Bradstreet number, if any. Provide the name and address of its president and any registered agent for the state in which it is incorporated, and the state(s) in which it does business.
3. Identify the parent corporation(s), subsidiary(ies), and related entity(ies) of Nebraska Energy, L.L.C., if any. For each parent, subsidiary, or related entity provide its address, the state in which it is incorporated, the state(s) in which it is doing business, its current line(s) of business, and its Dun & Bradstreet number, if any.
4. Does the Nebraska Energy, L.L.C. facility and the "Aurora West" facility have a Facility Response Plan ("FRP") developed in accordance with 40 C.F.R. § 112.20? If so, provide a copy of the FRP. In addition, Nebraska Energy, L.L.C. must submit the following information regarding each facility:
 - a. Provide the date the FRP was prepared.
 - b. State who prepared the FRP.
 - c. State the total underground oil storage capacity of the facility. Has this capacity changed during your ownership of the facility?
 - d. State the total aboveground oil storage capacity of the facility. Has this capacity changed during your ownership of the facility?
 - e. State the dates the facility has been in operation during your ownership of the facility.
 - f. Describe the type (underground v. aboveground), capacity, contents, and date of installation of each tank at the facility which contains or has the capacity to contain oil or oil products.
 - g. Does the facility have oil storage capacity above ground in excess of one million gallons?
 - h. If the amount stored fluctuates, please list dates and storage inventory.
 - i. Identify all bodies of water near the facility (e.g., creeks, streams, rivers, lakes, ponds), and provide the distance between the facility and that water body.
 - j. Identify all storm drains, drainage ditches, and other storm water drainage structures within a quarter of a mile of the facility. In addition, identify the body of water into which the storm water flows.
 - k. Identify the distance from the facility to a public drinking water intake.

- l. Provide the name, address, and telephone number(s) for each owner, operator, and person in charge of the facility during the last five (5) years. For each owner, operators, and person in charge, also specify the time period(s) that they owned, operated, or were in charge of the facility.
 - m. Describe the secondary containment at the facility for each aboveground storage area.
 - n. Identify whether the facility, within the past five years, has discharged oil into a body of water. If so, please provide information regarding where the oil was discharged, the date, and an estimate of how much oil was discharged.
5. Provide documentation that shows when the FRP for the facility was submitted to EPA for approval or any determination that was made that the facility is not subject to the FRP requirements set forth in 40 C.F.R. Part 112.
6. State whether the facility has conducted unannounced response exercises during the last five (5) years in accordance with an approved FRP. If so, provide logs showing the dates of such exercises and all records concerning the details of such exercises.
7. State whether the facility has conducted qualified individual notification exercises during the last five (5) years in accordance with an approved FRP. If so, provide logs showing the dates of such exercises and all records concerning the details of such exercises.
8. State whether the facility has conducted spill management team tabletop exercises during the last five (5) years in accordance with an approved FRP. If so, provide logs showing the dates of such exercises and all records concerning the details of such exercises.
9. State whether the facility has conducted facility response equipment deployment exercises during the last five (5) years in accordance with an approved FRP. If so, provide logs showing the dates of such exercises and all records concerning the details of such exercises.
10. State whether the facility has conducted personnel emergency procedures response training during the last five (5) years in accordance with an approved FRP. If so, provide logs showing the dates of such training and all records concerning the details of such training.
11. State whether the facility has conducted other discharge prevention meetings during the last five (5) years. If so, provide logs showing the dates of such meetings and all records concerning the details of such meetings.
12. State whether a Certification of the Applicability of Substantial Harm Criteria, as found in 40 C.F.R. Part 112, been completed for the facility. If so, provide a copy of the certification
13. Identify by city and address, and date of acquisition, every facility acquired by Nebraska Energy, or its parent corporation, that at the date of acquisition had an above ground storage capacity for oil of greater than 1,320 gallons.

14. For each facility identified in response to Item 13, identify any facilities that have ceased business operations at the facility, and provide the following information:

- a. Provide the date on which Nebraska Energy ceased operations at the specific facility.
- b. State whether the storage capacity greater than 1,320 gallons at the specific facility remain in place, or whether the tanks have been permanently closed pursuant to the definition of permanently closed in 40 C.F.R. §112.2; and if so, provide the date of such permanent closure.
- c. State whether the tanks at the specific facility have been moved to a different facility and/or location, and if so, identify the specific facility and/or location.

15. For each facility identified in response to Item 13, state whether each facility has prepared a Spill Prevention, Control and Countermeasure (SPCC) Plan in accordance with the Oil Pollution Prevention regulations, 40 C.F.R. Part 112. If so, please attach a complete copy of the SPCC Plan to your response to this information request. Specify the date it was first prepared and provide a copy of amendments to the Plan, if any, that have become effective within the last five years.

16. For each facility identified in response to Item 13 above, state whether appropriate containment and/or diversionary structures or equipment are provided to prevent a discharge of oil as described in 40 C.F.R. §112.1(b). State whether the entire containment system, including walls and floors, are capable of containing oil and are constructed to prevent escape of a discharge from the containment system before cleanup occurs.

17. For each facility identified in response to Item 13 above, identify which of the following are present at the facility and describe the containment and/or diversionary structures or equipment for each:

- a. bulk storage containers;
- b. mobile/portable containers;
- c. oil-filled operational equipment (as defined in §112.2);
- d. other oil-filled equipment (i.e., manufacturing equipment);
- e. piping and related appurtenances;
- f. mobile refuelers or non-transportation related tank cars;
- g. transfer areas, equipment and activities;
- h. identify any other equipment or activities that are not already listed.

STATEMENT OF CERTIFICATION

The following Statement of Certification must be completed by the owner, CEO, president, or other chief official of the company responding to this information request:

STATEMENT OF CERTIFICATION

I certify under the penalty of law, that I have personally examined and am familiar with the information submitted in this document and all attachments, and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

Signature

Date

Name

Title

